

# REVOLVING DOOR SUNSHINE ACT OF 1993

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G 74/7:D 72

ing Door Sunshine Act of 1993...  
ORE THE  
LEGISLATION AND NATIONAL  
SECURITY SUBCOMMITTEE  
OF THE  
COMMITTEE ON  
GOVERNMENT OPERATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED THIRD CONGRESS  
FIRST SESSION  
ON  
**H.R. 1593**

TO AMEND THE GOVERNMENT IN THE SUNSHINE ACT TO REQUIRE  
THE DISCLOSURE OF CERTAIN ACTIVITIES

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SEPTEMBER 30, 1993

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Printed for the use of the Committee on Government Operations



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# THE REVOLVING DOOR SUNSHINE ACT OF 1993

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THURSDAY, SEPTEMBER 30, 1993

HOUSE OF REPRESENTATIVES,  
LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE  
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10 a.m., in room 2154, Rayburn House Office Building, Hon. John Conyers, Jr. (chairman of the subcommittee) presiding.

Members present: Representatives John Conyers, Jr., William F. Clinger, Jr., Al McCandless, and Dick Zimmer.

Full committee staff present: Benjamin I. Cohen, associate counsel; Marilyn F. Jarvis and Mechita O. Crawford, staff assistants; and Kevin M. Sabo, minority counsel.

Subcommittee staff present: James C. Turner, staff director.

## OPENING STATEMENT OF CHAIRMAN CONYERS

Mr. CONYERS. Good morning, ladies and gentlemen.

Today's hearing is on H.R. 1593, the Revolving Door Sunshine Act of 1993.

[The text of H.R. 1593 follows:]

103D CONGRESS  
1ST SESSION

# H. R. 1593

To amend the Government in the Sunshine Act to require the disclosure  
of certain activities.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Mr. CONYERS introduced the following bill; which was referred to the  
Committee on Government Operations

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## A BILL

To amend the Government in the Sunshine Act to require  
the disclosure of certain activities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Revolving Door  
5 Sunshine Act of 1993”.

6 **SEC. 2. PUBLIC DISCLOSURE OF COMMUNICATIONS.**

7 (a) **DISCLOSURE REQUIREMENT.**—Section 552b of  
8 title 5, United States Code, commonly referred to as the  
9 “Government in the Sunshine Act”, is amended by adding  
10 at the end the following:



1       “(n)(1) Any person who is a senior member of the  
2 Federal Government shall, for 5 years after the termi-  
3 nation of his or her service or employment as a senior  
4 member of the Federal Government, file with the Office  
5 of Management and Budget, in accordance with para-  
6 graph (2), a report containing the following information:

7           “(A) The name of any Member of Congress,  
8 and the name and title of any congressional staff  
9 member or of any officer or employee of any agency  
10 to whom he or she makes an oral or written commu-  
11 nication on behalf of anyone other than the United  
12 States, during the reporting period described in  
13 paragraph (2), regarding an official action of the  
14 Congress or that agency.

15           “(B) The name, address, and telephone number  
16 of any person on whose behalf he or she makes a  
17 communication described in subparagraph (A).

18           “(C) A description of the legislation, regulation,  
19 trade negotiation, or other matter that a commu-  
20 nication described in subparagraph (A) concerns.

21           “(D) The name, address, and telephone number  
22 of any foreign government, foreign political party, or  
23 foreign business entity whom he or she represents,  
24 aids, or advises, during the reporting period de-

1       scribed in paragraph (2), regarding any official ac-  
2       tion of the Congress or of an agency.

3       “(2) Each person who is required to file a report  
4 under paragraph (1) shall file such report with the Office  
5 of Management and Budget—

6               “(A) by July 30 of each year, containing infor-  
7       mation relating to the period January 1 through  
8       June 30 of that year; and

9               “(B) by January 31 of each year, containing in-  
10      formation relating to the period July 1 through De-  
11      cember 31 of the preceding year.

12 An individual shall file a report under paragraph (1)  
13 whether or not the individual made any communication  
14 described in paragraph (1)(A), or any representation, aid,  
15 or advice described in subparagraph (D), during the  
16 reporting period.

17       “(3) The Office of Management and Budget shall,  
18 within 30 days after receiving a report filed pursuant to  
19 paragraph (1), make such report available to the public  
20 for inspection and copying during normal business hours.

21       “(4) For purposes of this subsection—

22               “(A) the term ‘agency’ has the meaning given  
23       that term in section 552(f) of this title;

24               “(B) the term ‘congressional staff member’  
25       means an elected officer of either House of Con-

gress, an employee whose pay is disbursed by the Director of Nonlegislative and Financial Services of the House of Representatives, and an employee whose pay is disbursed by the Secretary of the Senate;

“(C) the term ‘foreign business entity’ means a partnership, association, corporation, organization, or other combination of persons either organized under the laws of or having its principal place of business in a foreign country;

“(D) the term ‘foreign government’ means the ‘government of a foreign country’, as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(e));

“(E) the term ‘foreign political party’ has the meaning given that term in section 1(f) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(f));

“(F) the term ‘Member of Congress’ means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress;

“(G) the term ‘senior appointee’ means any individual who is appointed on or after January 20, 1993, by the President, the Vice President, or the head of an agency to a full-time, noncareer position

1 in an agency and whose rate of basic pay is not less  
2 than the rate of basic pay in effect for level V of the  
3 Executive Schedule under section 5316 of this title;

4 “(H) the term ‘senior congressional staff mem-  
5 ber’ means a person who is a congressional staff  
6 member after January 4, 1993, and whose rate of  
7 basic pay is not less than the rate of basic pay in  
8 effect for level V of the Executive Schedule under  
9 section 5316 of this title;

10 “(I) the term ‘senior member of the Federal  
11 Government’ means a senior appointee, a Member of  
12 Congress serving after January 4, 1993, or a senior  
13 congressional staff member; and

14 “(J) the term ‘written communication’ includes  
15 any communication, other than an oral communica-  
16 tion, that is transmitted by any means, including  
17 electronic device.”.

18 (b) CONFORMING AND CLERICAL AMENDMENTS.—  
19 Section 552b(a)(1) of title 5, United States Code, is  
20 amended—

21 (1) by inserting “, except as provided in sub-  
22 section (n),” after “ ‘agency’ ”; and

23 (2) by striking “section 552(e)” and inserting  
24 “section 552(f)”.

Mr. CONYERS. There is widespread cynicism about the Federal Government. Part of this cynicism stems from the public's belief that there is a secret "revolving door"—that senior executive branch officials, Members of Congress, and senior congressional staff leave the Federal Government and then use their Washington connections to secretly influence legislation and executive branch decisions. The American people are right in their anger over the revolving door, and it is time to take action.

President Clinton, recognizing the extent of this public dismay over the revolving door, issued an Executive order on Inauguration Day. This order requires his senior appointees—those earning over \$108,200 a year—to sign a pledge not to lobby for 5 years after leaving the government. The current statutory ban is 1 year.

Building on President Clinton's order, H.R. 1593 requires senior government officials to report to the Office of Management and Budget their lobbying activities for 5 years after they leave the Federal Government. In addition, they must disclose for 5 years whether they are working for a foreign government, a foreign political party, or a foreign business. OMB would make this information public.

Judging from the written statements of our witnesses, there is a consensus that the current lobbying disclosure laws are inadequate. This bill closes some of the major loopholes in the current disclosure laws. The bill covers lobbying of the executive branch, not just Congress. The bill covers lobbying of Congress to affect executive branch actions, not just legislation. The bill covers communications that are "simply to give some information," not just those that are openly designed to influence legislation.

I look forward to the testimony of the witnesses on how we can improve the current situation so that our citizens can be confident that the revolving door is at least a public door.

There are two written statements from witnesses who cannot be present today. Both have been distributed to all members of the subcommittee. One is from Common Cause, endorsing the bill and making some suggestions for improving it. The other is from Professor Eskridge of Georgetown University Law Center, who says the bill is constitutional.

Although they are not going to be here, I request that both statements be made part of the record.

[The prepared statements of Ms. McBride and Mr. Eskridge follow:]

# Common Cause

2030 M STREET, NW ♦ WASHINGTON, D.C. 20036-3380 ♦ PHONE: (202) 833-1200 ♦ FAX: (202) 659-3716

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*Chairman*

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*Chairman Emeritus*

JOHN W. GARDNER  
*Founding Chairman*

August 4, 1993

The Honorable John Conyers  
Chair, House Government Operations Committee  
2157 Rayburn HOB  
Washington, DC 20515

Dear Mr. Chairman:

On behalf of Common Cause, I appreciate this opportunity to provide comments regarding H.R. 1593, the Revolving Door Sunshine Act of 1993, which is currently pending before subcommittees of the House Government Operations Committee. Common Cause has a long record in favor of open and accountable government and has been working for a number of years to strengthen the laws dealing with post-employment rules for executive and legislative branch employees.

During the 1992 campaign, President Clinton called for tough new revolving door restrictions, and following his election, issued an executive order containing new post-employment restrictions supplementing current law, including a five-year ban on top government officials from returning to lobby their former agency. The new executive order requires senior appointees in every executive agency (Executive Level V presidential appointees who make more than \$108,000) to sign an agreement stating that:

- They will not lobby their former agencies for five years after leaving government;
- They will not, within five years after personally and substantially participating in a trade negotiation, "represent, aid or advise" any foreign government, foreign political party or foreign business entity;
- They will never become a registered foreign agent for any foreign government or foreign political party; and
- Top White House officials, in addition to being banned from lobbying the Executive Office of the President for five years, will be banned for five years from lobbying any department over which they had substantial personal responsibility. Exceptions include former officials who go to work for the

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federal, state or local governments, scientists and other technical personnel who are employed by nonprofit organizations, and lawyers in criminal or civil litigation.

In addition, all trade negotiators who are not senior appointees are required to agree that they will not, for five years after leaving office, "represent, aid or advise" any foreign government, foreign political party or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency.

Common Cause applauded President Clinton's executive order and is supporting efforts to codify the executive order and to apply similar standards to Congress. We believe that, in determining appropriate restrictions on post-employment activity, those at the higher levels of government should be subject to the most stringent post-employment restrictions.

Whatever the restrictions in place, however, we recognize that one of the most difficult aspects in gauging the revolving door is that there is currently no easy way to track the lobbying activities of former government officials because current lobby disclosure laws are wholly inadequate. H.R. 1593 would provide a way to ensure that those who are currently covered by President Clinton's executive order restricting post-employment lobbying activities have in fact complied with the order. It would also require disclosure of contacts made by Members of Congress and top congressional staff who are not subject to the executive order.

H.R. 1593 amends the Government in the Sunshine Act to require former top government officials to disclose their lobbying contacts for five years after they leave office. Under H.R. 1593, any person who in the last five years served in government paid at the level of Executive Level V or above or its equivalent would be required to file a semi-annual report with the Office of Management and Budget (OMB) listing the names and titles of any federal employee or Member of Congress he or she contacted in an oral or written communication in the last six months, identifying by name, address and phone number the person on whose behalf the contact was made and on what topic. If the contact was made on behalf of a foreign government, foreign political party or a foreign business entity, the covered person again would be required to identify the name, address and telephone number of whom he or she represents, aids or advises. The report would be available to public inspection.

We support H.R. 1593 and believe that reporting requirements regarding post-employment lobbying activities are necessary to ensure compliance with President Clinton's executive order and to help increase public confidence that those in high levels of government are not looking to "cash in" after they leave public office. We

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recognize that former government officials at Executive Level V, by virtue of having served in influential positions, merit special treatment. This is implicit in the Clinton executive order as well.

There are two matters in H.R. 1593 which may require additional consideration. In the bill as introduced, the required semi-annual reports are filed with OMB. While this may be the most appropriate agency, we suggest consideration of other agencies which often deal with publicly available reports, such as the Office of Government Ethics or, if the new lobbying disclosure bill is signed into law, the Office of Lobby Registration created within the Department of Justice by that bill. These agencies may be more experienced with handling the type of information required by the bill. In addition, we recommend requiring reports be filed concurrently with the Clerk of the House and the Secretary of the Senate since these are the offices which currently handle public disclosure for matters dealing with the legislative branch.

Second, the bill as introduced is not clear as to the penalties for failing to comply with its requirements. We believe that a range of civil penalties is most appropriate. For many years only criminal penalties were available for violations of post-employment restrictions in 18 USC §209. The Ethics Reform Act of 1989 increased flexibility and the likelihood of prosecution of post-employment cases by authorizing civil penalties along with injunctions and administrative sanctions. Such an approach may be a useful model for H.R. 1593.

We believe that President Clinton's executive order to impose tighter revolving door restrictions on top executive branch officials is an important contribution to addressing the revolving door issue and we continue to support efforts to ensure that top government officials in all three branches of government are subject to appropriate revolving door restrictions. We believe that H.R. 1593 makes a valuable contribution to restricting revolving door practices by providing a way of ensuring and monitoring compliance with the executive order and of gauging the revolving door activities of Members of Congress and top congressional staff. We look forward to working with you on these matters and appreciate this opportunity to share the views of Common Cause.

Sincerely,



Ann McBride  
Senior Vice President

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HEARING before the HOUSE COMMITTEE  
on GOVERNMENTAL RELATIONS

September 30, 1993

STATEMENT of WILLIAM N. ESKRIDGE, JR.

I am a Professor of both Constitutional Law and Legislation at the Georgetown University Law Center and a co-author of casebooks in each field.<sup>1</sup> Your Committee has asked for my opinion on issues of constitutional law raised by H.R. 1593, the proposed "Revolving Door Sunshine Act of 1993" [hereinafter referred to as the "proposed bill"], a bill to impose disclosure requirements on "senior members of the Federal Government" who lobby or contact congressional or agency officials for five years after the termination of his or her service with the government. I am honored by your invitation.

The First Amendment provides that "Congress shall make no law \* \* \* abridging the freedom of speech, or of the press; or the right of the people \* \* \* to petition the Government for a redress of grievances." Thus, people have First Amendment rights both to speak their mind on political issues and to petition the government to act in accord with their preferences.

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<sup>1</sup> See William N. Eskridge, Jr. & Philip P. Frickey, Cases and Materials on Legislation: Statutes and the Creation of Public Policy (West 1988); Daniel A. Farber, William N. Eskridge, Jr. & Philip P. Frickey, Cases and Materials on Constitutional Law: Themes for the Constitution's Third Century (West 1993).

See *United States v. Harriss*, 347 U.S. 612 (1954). The purpose of these rights is to assure that a variety of political views are heard and that debate is vigorous and robust. On the other hand, these rights are not absolute. Congress can regulate political speech and petitioning activity when the regulation is carefully designed to protect compelling governmental interests.

When Congress directly restricts political speech or petitioning, the Court usually requires a tight fit between the restriction on speech/petitioning and the avoidance of corruption.<sup>2</sup> The Court has been very lenient in applying this standard to disclosure requirements, probably because disclosure only burdens and does not restrict the right to speak or petition. In *Harriss*, the Court upheld the disclosure requirements of the Federal Lobbying Regulation Act and stated that "it is not constitutionally forbidden to require the disclosure of lobbying activities," when the goal is "to maintain the integrity of a basic governmental process." *Harriss*, 347 U.S. at 625. Since *Harriss*, the Supreme Court has repeatedly held that the federal government has a "compelling" interest in preserving "the integrity of our system of representative democracy" and preventing "the actuality and appearance of corruption." *Buckley v. Valeo*, 424 U.S. 1, 26-27 (1976) (per

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<sup>2</sup> Thus, in *Buckley*, the Court found that Congress' limits on the size of campaign contributions were restrictions on protected speech but upheld the limits because they were narrowly drawn to meet the nation's compelling interest in preventing corruption or the appearance that a quid pro quo existed. 424 U.S. at 26-27. The Court struck down limits on how much a candidate could expend on her campaign, because they were even more direct restrictions on protected speech and were not justified by the corruption rationale. *Id.* at 44-49.

curiam); see also *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990).

The Court has applied this First Amendment inquiry most leniently in cases involving restrictions on government employees. In the leading case, *Pickering v. Board of Education*, 391 U.S. 563, 568 (1968), the Court held that the government has an interest in regulating "[t]he speech of its employees that differ[s] significantly from those it possesses in connection with regulation of speech of the citizenry in general." The Court in *United States Civil Service Commission v. National Association of Letter Carriers*, 413 U.S. 548 (1973), applied this lenient balancing test to uphold the Hatch Act's prohibition of federal employee management and participation in a political campaign (a direct and substantial restriction on employees' core First Amendment rights). The Court found three different integrity-of-government interests to justify this direct restriction on First Amendment speech: protecting against bias and favoritism in the administration of government, avoiding even the appearance of bias or favoritism, and the risk of political machines' becoming entrenched in government. *Id.* at 565-66.

The First Amendment restriction in *Letter Carriers* is different from those in your proposed bill. The Hatch Act directly interferes with employee First Amendment rights, while the disclosure requirements of the proposed bill amount to a more indirect limitation on former employees' First Amendment rights: Such employees can still speak and petition the government to assert their own opinions; all that is required is that

congressional and agency contacts be reported. If the Supreme Court was willing to uphold such a direct intrusion into First Amendment rights in *Letter Carriers*, based upon integrity of government reasons, then one might assume it would uphold the much more indirect intrusion required by your proposed bill.

The analysis might be (but probably is not) complicated by one distinction between the Hatch Act and your proposed bill: The Hatch Act provision in *Letter Carriers* only applies to current employees, and not to former employees, as the proposed bill does. It is conceivable, therefore, that the Court might not apply the *Pickering* test in the same lenient way it did in *Letter Carriers*. That is highly unlikely, however, not only because the Hatch Act restrictions are a much greater intrusion into core First Amendment activities than the indirect intrusions of the proposed bill, but also because the Court will give the government wide latitude in conditioning government service upon fulfilling certain post-employment requirements.

Limits on post-employment opportunities of federal employees have a long history.<sup>3</sup> Existing 18 U.S.C. § 207, is filled with post-employment restrictions on a variety of executive and legislative employees.<sup>4</sup> The restrictions in § 207 are

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<sup>3</sup> See R. Roberts, *White House Ethics-- The History of the Politics of Conflict of Interest Regulation* (1988); R. Vaughn, *Conflict of Interest Regulation in the Federal Executive Branch* (1978). See also *Association of the Bar of the City of New York, Conflict of Interest and the Federal Service* (1960).

<sup>4</sup> An excellent analysis of § 207 and proposals to tighten it can be found in Spak, *American for Sale: When Well-Connected Former Federal Officials Peddle Their Influence to the Highest Foreign Bidder*, 78 Ky. L.J. 237 (1989-90).

substantive restrictions that are generally more severe than the disclosure requirements that would be posed by the proposed bill, and federal courts of appeal have assumed the constitutionality of § 207.<sup>5</sup> Regulation of post-employment activities -- whether by prohibition, as in § 207, or disclosure rules, as in the proposed bill -- appeals to the same sort of process corruption that the Court held was a compelling state interest in *Buckley*, namely, the fear that government decisionmakers will be biased by tangible outside inducements (money in *Buckley* and status within a political party in *Letter Carriers*). The bias we fear works in three ways: (1) Some groups will have much greater access to the government decisionmaker because they have built-in connections with her (access bias). (2) The decisionmaker's judgment will be clouded by the possibility of personal gain (incentive bias). (3) The voters viewing the process from outside the beltway will perceive access or incentive bias on a large scale and will lose faith in government (apparent bias). There is strong historical, anecdotal, and some empirical evidence that all three types of biases are implicated in unlimited campaign contributions and allowance of political activity by government employees, and that surely strengthened the resolve of the Supreme Court to uphold the challenged regulations of speech.

Similar concerns amply support the less intrusive disclosure rules required by the proposed bill. A significant danger is access bias: It seems obvious that a former agency or department

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<sup>5</sup> See *United States v. Nofziger*, 878 F.2d 442 (D.C. Cir. 1989); *United States v. Nasser*, 476 F.2d 1111 (7th Cir. 1973).

"insider" can have readier access to the office than someone with no formal connections, and it is quite useful to know how much that occurs and who takes advantage of the opportunity. For example, it was revealed in the late 1980s that former White House deputy chief of staff Michael Deaver was able to meet at will with high level executive department officials to lobby them for his foreign and domestic corporate clients.<sup>6</sup> This activity might have been discouraged, and certainly would have been publicized, if disclosure rules had been in place.

There is also a danger of incentive bias. An FTC Commissioner may well slant her decisions in favor of regulated industries if she knows she can immediately get a high-paying job as a lobbyist with those industries after she leaves the FTC. Again, the activities of Michael Deaver illustrate this temptation. While in the White House, Deaver favored accommodation of Canada's concerns about acid rain. Although this is a respectable position to take, it appeared suspiciously tainted when it was revealed that Deaver had entered into a contract to represent Canada on that issue after he left office.<sup>7</sup> And the publicity surrounding the "revolving door"

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<sup>6</sup> See Beckwith, *The High Price of Friendship*, Time, Dec. 28, 1987, at 23 (Deaver lobbying former Administration colleagues to seek retention of tax loopholes for client Puerto Rico); Martz et al., *Deaver's Deals*, Newsweek, May 5, 1986, at 18 (Deaver meetings with OMB Director to lobby for client Rockwell; also meetings with high level Treasury officials to lobby for reduction of fraud penalty against South Korean client); Shapiro et al., *Has Mike Deaver Gone Too Far?*, Newsweek, Apr. 14, 1986, at 23 (\$1.5 million contract with Saudi Arabia for Deaver to lobby for military sales to Saudi Arabia).

<sup>7</sup> McDonald, *The Downfall of the "Acid Rainmaker"*, MacLean's, Mar. 30, 1987, at 22.



suggests dangers of apparent bias. The Deaver episode threatened to erode confidence in government, as it was revealed that a fair number of White House staffers were making a killing through the revolving door.\* Public Citizen has recently documented the prevalence of the revolving door for former congressional as well as executive branch officials.\*

There is a sound basis for considering biases arising out of the revolving door to be as important as biases arising out of campaign contributions or political activity by federal employees, and I would urge the Committee to develop a systematic record for the hypotheses suggested above. My judgment at this time is that the disclosure requirements of the proposed bill are not unconstitutional on their face. That judgment is based upon the relatively indirect infringement on First Amendment rights and the three types of process corruption that can credibly be tied to the revolving door.

It is possible that a more serious constitutional challenge could be mounted against parts of the proposed law as applied to specific, and future, fact situations. Proposed § 552b(n)(1)(A) requires former senior members of the Federal Government to report contacts with "any Member of Congress . . . any congressional staff member or . . . any officer or employee of

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\* "Foreign governments are particularly eager to retain savvy Washington insiders to guide them through the bureaucratic and congressional maze and polish their sometimes unsavory images in the U.S." Thomas & Beckwith, *Peddling Influence*, Time, Mar. 3, 1986, at 28.

\* Nancy Waltzman, Public Citizen's Congress Watch, "Government Service for Sale: How the Revolving Door has been Spinning" (Sept. 1993).

any agency to whom he or she makes an oral or written communication on behalf of anyone other than the United States" during the five-year post-employment period. Additionally, proposed § 552b(n)(1)(C) requires disclosure of "the legislation, regulation, trade negotiation, or other matter" raised in a communication covered by proposed § 552b(n)(1)(A).

On their face, these disclosure requirements seem to pose only a minor burden on lobbying activities, and consequently would merit only the lenient judicial scrutiny described above. Analogous proposals in the last several years have been met by objections that such disclosure might reveal a group's lobbying "strategy" and hence might "chill" groups from making contacts with certain committees or agencies.<sup>10</sup> For example, suppose a former Member of Congress is lobbying (within five years of her retirement from Congress) for an applicant for an FCC license. Let us say the former Member makes an ex parte contact with the FCC and also contacts a staff member of the relevant House oversight committee. The former Member's report for that period will have to disclose which FCC personnel she contacted, and apparently also which House staff she contacted as well.<sup>11</sup>

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<sup>10</sup> See S. 2279, *The Lobbying Disclosure Act of 1992: Hearing Before the Subcomm. on Oversight of Government Management of the Senate Comm. on Governmental Affairs*, 102d Cong., 2d Sess. 89, 91, 93-96 (1992) (statement of James Christy on behalf of NAM); *id.* at 228-31 (statement of the ACLU); *id.* at 233-34 (statement of the Alliance for Justice).

<sup>11</sup> This is an ambiguity in proposed § 552b(n)(1)(A). Clearly the former Member has contacted FCC personnel "regarding an official action of the Congress or the agency," namely the license application. Does the former Member also have to disclose the House contact, even though the "official action" the communication "regard[s]" is agency action and not congressional



Such a report would reveal not only the coordinated nature of the lobbyist's campaign to obtain a license for her client, but also might tip the FCC off that phone calls it received from its oversight committee may have been instigated by the former Member and not (as the caller represented) by "concerned constituents." Knowing this in advance, the lobbyist might be reluctant to contact the committee. The disclosure requirement in this situation becomes a more direct infringement on the client's right to petition.

I am underwhelmed by this argument. To begin with, the client does not have to retain the former Member and may choose any of thousands of lobbyists not encumbered by this disclosure. Hence, there is no infringement on the client's First Amendment right to petition. While the former Member's economic opportunities may be curtailed, that is no First Amendment interest to start with. Moreover, the government interest in integrity justifies any intrusion. Any useful disclosure requirement is going to reveal interest group strategy and will probably deter groups from making certain moves. While disclosure would reveal the client's strategy (i.e., work the FCC from within the agency and through congressional pressure), that strategy is itself worth knowing from a public interest standpoint. That the strategy might itself become public could deter the lobbyist from following it, because the FCC might then discount any phone calls it gets from the committee. But that, in turn, might be in the public interest: If you're afraid to

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action (assuming there is no pending bill)?

disclose what committee or agency you're contacting, you might be up to no good. "Sunlight is said to be the best of disinfectants; electric light the most efficient policeman." Louis Brandeis, *Other People's Money* 62 (1933 edition), quoted in *Buckley*, 424 U.S. at 67.

Moreover, the chilling effect argument against disclosure was specifically made and rejected in *Harriss*, 347 U.S. at 626:

It is suggested, however, that the Lobbying Act, with respect to persons other than those defined in § 307, may as a practical matter act as a deterrent to their exercise of First Amendment rights. Hypothetical borderline situations are conjured up in which such persons choose to remain silent because of fear of possible prosecution for failure to comply with the Act. Our narrow construction of the Act, precluding as it does reasonable fears, is calculated to avoid such restraint. But, even assuming some such deterrent effect, the restraint is at most an indirect one resulting from self-censorship, comparable in many ways to the restraint resulting from criminal libel laws. The hazard of such restraint is too remote to require striking down a statute which on its face is otherwise plainly within the area of congressional power and is designed to safeguard a vital national interest.

The same could be said about fears that reporting contacts with committees and agencies would deter groups from making these contacts.

On the other hand, *Harriss* is a conservative approach to chilling effect arguments. Such a conservative approach was abandoned by the Warren Court in later cases such as *New York Times v. Sullivan*, 376 U.S. 254 (1964), which made the chilling effect argument its key reason for curbing "the restraint resulting from criminal libel laws" (to use the infelicitous example in *Harriss*). In more recent cases, the Court has been reluctant to invoke chilling effect arguments to invalidate statutes. For example, *Buckley* upheld disclosure requirements

for campaign contributions and expenditures, notwithstanding the argument that the disclosure requirements would "'deter individuals from making expenditures for their independent political speech.'" *Buckley*, 424 U.S. at 75, quoting *Thomas v. Collins*, 323 U.S. 516 (1945); see also *id.* at 71-72 (rejecting chilling effect argument based upon disparate impact on minor political parties).

The chilling effect argument, therefore, is not likely to invalidate the proposed disclosure requirements on their face. There is the possibility of a successful challenge to the requirements as applied, although this too is one that I find remote.<sup>12</sup> Nevertheless, such an argument might persuade a court to interpret the reporting requirements narrowly, as both *Harriss* and *Buckley* did when confronted with chilling effect arguments.

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<sup>12</sup> I am unable to cite to realistic examples where this might be a severe burden on a client's right to petition but would be open to specific examples from other witnesses who have this concern.

Mr. CONYERS. I yield to the ranking minority member of the committee, Mr. Al McCandless.

Mr. MCCANDLESS. Thank you, Mr. Chairman.

The mixture of money and politics has presented troubling public policy questions throughout our history. Countless legislative edicts and reams of administrative regulations have done little to stem the tide of public distrust when it comes to current and former policymakers and their personal finances. Unfortunately, we are seeing that very issue in the news this week regarding a current cabinet rank official.

The General Accounting Office has testified before this committee more than once in the last couple of years on how ineffective our current financial ethics laws have been enforced. I believe their testimony again today will tell us how weak our laws are in tracking the lobbying activities of former senior government officials.

Our other witnesses will likely be highly critical of practices by some officials to make money in the subject areas where they were employed by the government. Yet the difficult question remains just how far should Congress go in regulating or disclosing the activities of government officials once their service in the public sector has concluded.

With the public's renewed efforts in government ethics there is pressure mounting once again to change this pattern. Your legislation, Mr. Chairman, provides an interesting change in the past practice of applying criminal sanctions to enforce ethical rules and, instead, simply mandates full disclosure with civil penalties. While at first blush this would appear reasonable, many questions regarding its implementation and enforcement still remain.

I look forward to looking closer at this issue as you have presented it here at the hearing. Thank you for permitting me to speak on the issue.

Mr. CONYERS. You are very welcome and thank you for your time.

Mr. Zimmer from New Jersey. Mr. Zimmer.

Mr. ZIMMER. Thank you, Mr. Chairman. I want to commend you for introducing and holding this hearing.

This legislation provides additional disclosure for those who go through the revolving door after their government service. It is a complement, I believe, to legislation that I am cosponsoring with Representative Bacchus who will be testifying before us this morning.

It is legislation that would simply prohibit anyone in a high level of the executive or legislative branches of government from going through that revolving door for the benefit of a private client or for their own benefit for 5 years. It would codify the Executive order of the President. It would apply to the legislative branch as well.

Obviously, the legislation that I am describing, H.R. 1395, has been referred to the Judiciary Committee, I understand, because of reasons of jurisdiction and sequence reference. It would probably be inappropriate for me to propose amendments actually extending the ban to the chairman's legislation.

But I do believe that the chairman's legislation is an important first step in trying to deal with the problem of people who use the benefit of their government service for private gain and the prob-



lem of people being successful in lobbying based on who they know rather than what they know. This is a source of considerable concern among the general public, particularly with respect to representation of foreign clients, and the legislation sponsored by Congressman Bacchus and myself would ban lobbying on behalf of foreign clients by former top government officials. I believe that is entirely appropriate as well.

So I look forward to these hearings, and during the course of the discussions, I will ask witnesses not only what they think of your very good bill but also H.R. 1395 as well. Thank you very much.

Mr. CONYERS. Thank you, Mr. Zimmer. You put your finger on what brings us together and separates us on the two bills.

Mr. CONYERS. Let's bring forward Congressman Jim Bacchus to continue the discussion. He is a distinguished member on the Banking and Science Committees. He is a cosponsor of H.R. 1395.

Jim, we welcome you. Your concern about this subject matter is very, very well known. There could not be a better person to start off our examination of this subject matter.

#### STATEMENT OF HON. JIM BACCHUS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. BACCHUS. Thank you very much Mr. Chairman. It is good to be with you and Mr. McCandless and my friend and ally, Mr. Zimmer, on this beautiful morning.

Let me first of all congratulate you, Mr. Chairman, on your bill. I strongly support it. I believe it is a significant improvement over current law. I look forward to voting for it at the earliest opportunity. I believe it will do much to reassure the people that we are working for them and not for ourselves or for some special interest.

As Mr. Zimmer said, he and I would like to do even more. We would like to go further. We understand the jurisdictional reasons why we cannot attempt to do so at the same time. Yet, we appreciate the opportunity that you have given us to discuss our proposal. We hope to move it at the appropriate time and in the appropriate place.

Mr. Zimmer has said just a little about our proposal. I thought I might say a little more, it seems to me, about some of the provisions in H.R. 1395 which we call the Ethics in Government Reform Act. Incidentally, there is a companion bill in the Senate that has been introduced by Senator David Boren.

Our proposed legislation would enact stringent post-employment rules on former high-ranking officials in the Federal Government. The bill includes a 5-year ban on Members of Congress from lobbying any committee on which they served and a 2-year ban on lobbying any other Members of Congress and their staffs. As you know, currently the ban is for 1 year only.

Our bill would also include a 5-year ban on congressional staff earning at least \$70,000 from lobbying their former employer, office, or committee, and those same individuals would be banned for 2 years from lobbying a Member of Congress or congressional staffer.

We thought \$70,000 would be an appropriate cut-off point. This way it would be imposed upon administrative assistants, perhaps legislative directors, and ranking committee staffers without being

imposed on everyone. We don't think it would be fair to impose that restriction on everyone who happens to work for the Congress.

Also, the bill would be stringent as well in terms of foreign representation. It would impose a permanent ban upon Members of Congress, White House staff, executive branch appointees, and congressional staff who are paid \$70,000 or above from lobbying at any time on behalf of any foreign national or entity.

Just a few thoughts I would like to add, Mr. Chairman.

As you were kind enough to mention, I have been involved in this particular area for some time. As you know, I worked in Florida many years ago for Rubin Askew when he was Governor of the Sunshine State.

At that time, in the mid-1970's, there was much concern about ethics in government at the State level of our State. Many members of the legislature were under clouds of suspicion. At one time, a majority of the members of the elected cabinet with whom the Governor had to work were under investigation or indictment, and the majority of the supreme court of our State at that time were under investigation or indictment.

There was a public outcry for change. We passed in 1976, as a constitutional amendment by means of an initiative of the people what we called the Sunshine amendment to the Florida Constitution. Among the provisions that I helped write into the Sunshine amendment was one that extended a ban against the revolving door.

In the subsequent years Florida has faced many challenges and it continues to face many challenges today but rarely are those challenges related now to problems involved with the revolving door. The people there are reassured about their State government officials in a way in which Mr. Zimmer and I hope to reassure the people about our actions as their representatives in Washington.

Also, Mr. Chairman, I had the privilege of working with Governor Askew when he became Ambassador Askew. As you will recall, he was the U.S. Trade Representative during the Carter administration. I was his special assistant. I was a trade negotiator. I am, to my knowledge, the first former trade negotiator in this country to serve in the Congress. It is a great privilege.

I worked with many people who are now no longer in the employ of the government who are now out trying to work on trade in the private sector. As a former trade negotiator for this country, I am especially concerned that since 1974 nearly half of all former senior U.S. Trade Representative officials have personally registered or gone to work for firms registered with the Justice Department as foreign agents. I think that needs to stop. This bill that Mr. Zimmer and I have proposed would stop it.

Mr. CONYERS. That is one part of it where you have my total support. I might even just stick it onto ours just to make sure that, one way or the other, that part of our objectives gets accomplished.

Mr. BACCHUS. Mr. Zimmer and I would be grateful for that. I think the Nation would be as well. I am confident that we would get the vast majority of the votes in the Congress on both sides of the aisle for that provision.

Mr. Chairman, I believe this is an especially important issue because of the fact that our trade representatives work so closely with representatives in the private industry.

In order to negotiate for our country, it is necessary to be intimately informed about the details of many individual businesses and enterprises in our country. How can we expect our private businesses to trust our trade negotiators with the most intimate details of their trade secrets and their accounting and their costs and their sales and their business strategies if they believe that the person they are trusting might turn around and represent their competitor in a foreign country next year or the next?

I think that is an essential provision. I applaud your willingness to consider including that in your proposed legislation.

Mr. Chairman, in conclusion, I would like to say that it is my very strong conviction that the vast, vast majority of Members of Congress are honest and ethical and above reproach or rebuke. I have absolutely no question about that.

Also, I firmly believe that the vast majority of the Members in the Congress came here to serve and for that reason alone. None of us came here with the purpose of turning around and becoming lobbyists. I think we need to do more to reassure the people of what we know to be true. I think your bill and our bill would be very helpful in doing that.

Mr. Chairman, if there are any questions I will be very happy to endeavor to answer them.

Mr. CONYERS. I appreciate your comments.

I would like to turn it over to Al McCandless now.

Mr. MCCANDLESS. Thank you, Mr. Chairman.

Mr. Bacchus, in reading the outline of your bill it is very clear where you are going, and I have no problem with that. People who like to serve the public should be looking at it as a service, not as a moneymaking proposition. If they want to make money, they should stay in the private sector. So we agree totally on that.

I am not an attorney so that is why we are discussing this. With regard to certain aspects of your bill, where you could never do something such as represent a foreign nation, do we have some type of a legal problem with that if an individual was not aware at the time that they entered public service that something like this would come later on and it was a part of their plan?

Mr. BACCHUS. I don't believe so, Mr. McCandless, and we will be happy to do some additional research on that if you wish.

There is no absolute right to be on the public payroll. Government service is a privilege and not a right. Conditions are attached to that every day. The conditions change every day.

Mr. Zimmer and I believe that it is altogether appropriate to make one of the conditions of a public service agreement that one would never, ever lobby for a foreign national and that there would be some time constraints placed on the ability to lobby the Congress and the executive branch.

Mr. MCCANDLESS. I guess what I am asking here is about the retroactivity of this since if one ran for office and at the time there were no laws on the books saying you could or could not do whatever we might be using as an example, then is that individual somewhat grandfathered into the system?



Mr. BACCHUS. I am confident that there is no legal problem with that, sir.

Mr. McCANDLESS. Thank you.

Mr. CONYERS. Dick Zimmer.

Mr. ZIMMER. Congressman, I think there is very little I can add to your testimony. I do look forward to working with you and the chairman to see how we can work together to achieve the common objectives, given the parliamentary rules of the road that we are faced with. I am delighted you joined us this morning. I really appreciate your testimony. Thank you.

Mr. BACCHUS. Thank you, Mr. Chairman.

I thank the committee.

Mr. CONYERS. Your journalistic backgrounds and the committees you stand on will hold you in good stead.

Mr. BACCHUS. Thank you, Mr. Chairman. It is a pleasure to work with you.

Mr. CONYERS. We are now pleased to call the Assistant Comptroller General, Johnny Finch, to join us. I think he has Terry Draver with him. Welcome, gentlemen.

**STATEMENT OF JOHNNY C. FINCH, ASSISTANT COMPTROLLER GENERAL, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY TERRY L. DRAVER, SENIOR EVALUATOR**

Mr. FINCH. Good morning, Mr. Chairman.

Mr. CONYERS. We have your statement with attachments. What does it mean?

Mr. FINCH. That is a very good question Mr. Chairman.

As you mentioned I do have with me today Terry Draver. He is an evaluator with our office. He has done a large share of the work GAO has done over the past years pertaining to the lobbying statutes and how they have been enforced.

Mr. CONYERS. Our congratulations to Mr. Draver.

Mr. FINCH. I have a fairly detailed statement. With your permission, I will submit it for the record and summarize.

Mr. CONYERS. Without objection, it is so ordered.

Mr. FINCH. Mr. Chairman and members, we are pleased to be here this morning to provide our views on certain questions regarding the adequacy of Federal lobbying laws and regulations.

You raised these questions in conjunction with your introduction of H.R. 1593, the Revolving Door Sunshine Act of 1993. This bill would require public disclosure, during a 5-year period after leaving office, of all contacts about an official action between former Members of Congress, senior congressional officials, or senior executive branch appointees, and current officials in either Congress or the executive branch.

In a May 24, 1993, letter to us, you asked three questions that are pertinent to your consideration of lobbying issues.

First, you asked whether data on lobbying activities supplied pursuant to existing statutes and regulations are sufficient to identify all of the contacts about official actions between former senior government officials and either Congress or the executive branch. In a word, Mr. Chairman, our answer is no.

Neither the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act nor the Byrd amendment require lobbyists



to supply information concerning prior governmental service. And if such information were required, the data supplied under these laws would still not be sufficient to identify all of the contacts between former government officials and either Congress or the executive branch due to limitations and exemptions in their coverage.

For example, the Federal Regulation of Lobbying Act covers only those individuals or organizations who lobby Congress—not the executive branch. Although the Byrd amendment covers those who lobby the executive branch, it limits coverage to only certain Federal awards. Furthermore, it does not apply when an organization uses its own employees to lobby.

Finally, the Foreign Agents Registration Act, which requires foreign agents to register with the Justice Department, allows registration exemptions for certain types of activities. However, it does not require persons claiming an exemption to notify the Justice Department so that the basis for the exemptions can be evaluated.

In addition, our past work has identified problems with enforcement authority. Under the Federal Regulation of Lobbying Act, for example, the Senate and House offices designated to receive the registration and reports have no enforcement authority for nonfilings, late, or incomplete filings. Also, under the Byrd amendment, agencies are not required to ensure filings are complete. They simply act as repositories.

Your second question asked us to provide data on how many former Members of Congress and former senior officials of Congress or the executive branch have contacted either Congress or the executive branch about an official action during the last 3 years. For the reasons I just cited, that information is not available. Indeed, a number of individuals listed in the publication *Washington Representatives 1990* but not registered under the lobbying laws with the House and the Senate told us that they had contacted a Member of Congress or sought otherwise to influence actions of the legislative or executive branch.

Although these results did not necessarily mean that the individuals we talked to should have registered under the lobbying laws, they do suggest that many persons who are not registered are engaged in what are generally considered lobbying activities.

Your third question asked for a breakdown of the extent to which the contacts referred to in the second question involved the legislative and executive branches. Again, because adequate data are not available on such contacts, we are unable to provide an answer.

The attachments to my statement provide additional information pertinent to your questions, including a listing of our past reports and testimonies on the three primary Federal lobbying statutes—the Foreign Agents Registration Act of 1938, as amended; the Federal Regulation of Lobbying Act of 1946; and the Byrd amendment—section 1352 of title 31, United States Code.

In essence, we consider these statutes to be largely ineffective in that they have failed to result in the identification of all lobbyists and their activities.

We support your aim of strengthening the lobbying statutes and agree that this objective is particularly important in terms of the lobbying activities of former high-level government officials. However, we also note that one of the criticisms of the present lobbying

requirements is that they are a patchwork approach to the problem.

As you are aware, in addition to your bill, H.R. 1593, there are other ongoing legislative efforts to improve and strengthen the lobbying laws. In fact, we just heard one of those who preceded me. Thus, we believe that the more consistently your bill meshes with the objectives of current law and other pending legislative improvements, the more likely your aim will be achieved.

I might add that the discussion that took place just before my appearance is exactly the kind of thing we had in mind when we prepared this statement. We will be happy to work with you and the committee to achieve this end.

Mr. Chairman, that concludes my prepared statement. We will be pleased to respond to questions.

Mr. CONYERS. I appreciate that. It reflects the complexity of the subject that we are visiting and some sensitivity involved in it, too. I think that between all of the parties, executive, legislative, and yourselves from GAO, we are going to be able to move on something before this Congress expires that will bring us forward. I think it will be the work that has come from your senior evaluator and your testimony that will be very important.

[The prepared statement of Mr. Finch follows:]

United States General Accounting Office

GAO

Testimony  
Before the Subcommittee on Legislation  
and National Security  
Committee on Government Operations  
House of Representatives

For Release on Delivery  
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## FEDERAL LOBBYING

### Comments on The Adequacy of Federal Lobbying Laws

Statement of  
Johnny C. Finch  
Assistant Comptroller General,  
General Government Programs



GAO/T-GGD-93-49

Mr. Chairman and Members of the Subcommittee:

We are pleased to be here this morning to provide our views on certain questions regarding the adequacy of federal lobbying laws and regulations. You raised these questions in conjunction with your introduction of H. R. 1593, the Revolving Door Sunshine Act of 1993. This bill would require public disclosure, during a five year period after leaving office, of all contacts about an official action between former Members of Congress, senior congressional officials, or senior executive branch appointees, and current officials in either Congress or the executive branch.

In a May 24, 1993, letter to us, you asked three questions that are pertinent to your consideration of lobbying issues. First, you asked whether data on lobbying activities supplied pursuant to existing statutes and regulations are sufficient to identify all of the contacts about official actions between former senior government officials and either Congress or the executive branch. Our answer is no. Neither the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, nor the Byrd Amendment require lobbyists to supply information concerning prior governmental service. And if such information were required, the data supplied under these laws would not be sufficient to identify all of the contacts between former government officials and either Congress or the executive branch due to limitations and exemptions in their coverage. For example, the Federal Regulation of Lobbying Act covers only those individuals or

organizations who lobby Congress -- not the executive branch. Although the Byrd Amendment covers those who lobby the executive branch, it limits coverage to only certain federal awards; furthermore, it does not apply when an organization uses its own employees to lobby. Finally, the Foreign Agents Registration Act, which requires foreign agents to register with the Justice Department, allows registration exemptions for certain types of activities. It does not require persons claiming an exemption to notify the Justice Department so that the basis for the exemptions can be evaluated.

In addition, our past work has identified problems with enforcement authority. Under the Federal Regulation of Lobbying Act, for example, the Senate and House offices designated to receive the registration and reports have no enforcement authority for nonfilings, late, or incomplete filings. Also, under the Byrd Amendment, agencies are not required to ensure filings are complete.

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We support your aim of strengthening the lobbying statutes, and agree that this objective is particularly important in terms of



the lobbying activities of former high level government officials. However, we also note that one of the criticisms of the present lobbying requirements is that they are a patchwork approach to the problem. As you are aware, in addition to your bill (H.R. 1593), there are other ongoing legislative efforts to improve and strengthen the lobbying laws. Thus, we believe that the more consistently your bill meshes with the objectives of current law and other pending legislative improvements, the more likely your aim will be achieved. We will be happy to work with you and this Committee to achieve that end.

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Mr. Chairman, that concludes my prepared statement. We will be pleased to answer any questions you or your colleagues may have.

ATTACHMENT I

ATTACHMENT I

CHAIRMAN CONYERS' QUESTIONS AND GAO RESPONSES

Question 1: Are data on lobbying activities supplied pursuant to existing statutes and regulations sufficient to adequately identify all contacts between former senior government officials, including former Members of Congress, and either Congress or the Executive Branch concerning official actions?

Response: No. Neither the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, nor the Byrd Amendment require lobbyists to supply information concerning prior governmental service. And if such information were required, the data supplied under these laws would not be sufficient to identify all of the contacts between former government officials and either Congress or the executive branch due to limitations and exemptions in their coverage. There are several reasons for this.

The Federal Regulation of Lobbying Act of 1946 covers only those individuals or organizations that lobby Congress; it does not cover lobbying activities involving the executive branch. The law requires individuals and organizations who lobby Congress to register with the Clerk of the House of Representatives and the Secretary of the Senate, and quarterly to report lobbying



## ATTACHMENT I

## ATTACHMENT I

activities and expenditures. This law does not require lobbyists to identify official contacts.

We have testified on several occasions about the ineffectiveness of this act because it has resulted in the disclosure of only a limited range of lobbying activities (see attachment II). First, the act's requirement that an individual's "principal purpose" must be to influence legislation is vague, making it difficult to determine whether a person is principally engaged in lobbying activities and, therefore, required to register and report. Second, in 1954, the Supreme Court (in United States v. Harriss<sup>1</sup>) narrowly defined lobbying under this act to include only direct communications with Members of Congress. One could argue that few, if any, individuals would be required to register as lobbyists given these narrow interpretations.

The Foreign Agents Registration Act of 1938, as amended, requires foreign agents to register with the Attorney General and file supplements to that registration every six months. The supplement form, which is prescribed by the Attorney General, requires foreign agents to list contacts with U. S. government officials.

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<sup>1</sup> 347 U.S. 612.

ATTACHMENT I

ATTACHMENT I

A weakness of this law is that it allows registration exemptions for certain diplomatic, commercial, humanitarian, and legal activities, but does not require an individual who claims an exemption to notify the Department of Justice. Thus, we have no way of knowing how many individuals fall into an exemption category and whether the exemptions are justified. For this reason, we recommended in 1980 that the Attorney General seek legislative authority to require written notice to the Department of Justice of all exemption claims prior to any agent activity.<sup>2</sup>

The third lobbying law is the Byrd Amendment. Enacted in 1989, the scope of this law is limited to organizations or individuals hiring lobbyists to influence certain federal awards (e.g., contracts and grants over \$100,000) on their behalf. The amendment, which covers both executive and legislative branch lobbying, requires those requesting or receiving these types of federal awards to file a disclosure form issued by the Office of Management and Budget (OMB) indicating whether they have paid or have agreed to pay lobbyists using nonappropriated funds.

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<sup>2</sup>Improvements Needed in the Administration of Foreign Agent Registration (ID-80-51, July 31, 1980).

## ATTACHMENT I

## ATTACHMENT I

An important exemption in this law is that an organization using its own employees to lobby for certain federal awards is not required to file a disclosure form, and contacts such employees have with federal officials are not required to be reported under this law. For example, a corporation would not have to file a disclosure form if it has as an employee a former Member of Congress who, as head of its government relations office, is lobbying for certain federal contracts.

Our work has also shown that, for all three laws, enforcement mechanisms have either been not provided or not fully implemented. For example, our past work reviewing the Federal Regulation of Lobbying Act of 1946 has shown that neither the Secretary of the Senate nor the Clerk of the House has any enforcement authority to ensure that those individuals and organizations seeking to influence legislation properly register and report their activities.<sup>3</sup> Of those who did register and report lobbying activities, we found that, for 1989, 62 percent of the quarterly reports were filed late and that 94 percent of the filed reports were incomplete.

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<sup>3</sup>Federal Lobbying: Federal Regulation of Lobbying Act of 1946 Is Ineffective (GAO/T-GGD-91-56, July 16, 1991).

ATTACHMENT I

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As we reported in 1990, a similar situation exists in the administration of the Foreign Agents Registration Act.<sup>4</sup> We found that the Justice Department maintained files on approximately 775 foreign agents. Our review of a random sample of 46 of these files indicated that (1) one-half of the agents had not fully disclosed their activities; and (2) over one-half registered their initial forms and filed their required semiannual reports late. We have recommended legislative changes to correct this situation.

With regard to the Byrd Amendment, OMB's instructions on the back of the disclosure form call for a specific and detailed description of the services performed or expected to be performed, the date of each service, and identification of federal personnel contacted. However, as noted in our 1991 testimony, of the 78 disclosure forms we examined for completeness of the description of service category, 45 (or 58 percent) lacked the identity of the officials contacted, and 65 or (83 percent) lacked the dates of service.<sup>5</sup>

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<sup>4</sup>Foreign Agent Representation: Justice Needs to Improve Program Administration (GAO/NSIAD-90-250, July 30, 1990).

<sup>5</sup>Federal Lobbying: Lobbying the Executive Branch (GAO/T-GGD-91-70, September 25, 1991).

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Neither the Byrd Amendment nor OMB's guidance requires agencies to ensure that disclosure forms are complete. Basically, agencies act as repositories for these forms; they are only required to compile them and semiannually to send the disclosure forms to the Clerk of the House and the Secretary of the Senate.

Question 2: During the last three years, how many former Members of Congress and former senior officials of Congress or the executive branch have contacted either Congress or the executive branch regarding an official action? How many of these contacts were on behalf of foreign governments, foreign political parties, or foreign businesses? In addition to information contained in official lobbyist registration data filed pursuant to the Federal Regulation of Lobbying Act of 1946 and the Foreign Agents Registration Act of 1938, please include information from other sources that the General Accounting Office has previously used in studying "lobbying" disclosure, such as the book Washington Representatives and data compiled pursuant to the Byrd Amendment of 1989 (section 1352 of P.L. 101-121).

Response: Adequate data are not available to determine how many former Members of Congress and former senior officials of Congress and the executive branch have contacted either Congress or the executive branch regarding official actions. As a consequence, data are not available to determine how many of



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these official contacts were on behalf of foreign governments, foreign political parties, or foreign businesses.

In our 1991 testimony on the Federal Regulation of Lobbying Act of 1946, we reported on a computer match of 13,501 entries of individuals and organizations listed in Washington Representatives 1990 with a computer tape of names of individuals and organizations that were registered with the Senate and House during the same period.<sup>6</sup> As we pointed out in our testimony, not all individuals listed in Washington Representatives 1990 engaged in congressional lobbying or contacted congressional employees on behalf of others. However, this directory was the most readily available source that contained names of individuals from a variety of circumstances who might engage in lobby-type activities.

We identified 9,800 individuals who were listed in Washington Representatives but who were not registered as lobbyists. We then attempted to interview 50 individuals, selected randomly, from the list of 9,800. We successfully interviewed 16 of the 50. Of these 16, 12 said that they (1) contacted either a Member of Congress or congressional staff person, (2) dealt with federal

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<sup>6</sup>Federal Lobbying: Federal Regulation of Lobbying Act of 1946 Is Ineffective (GAO/T-GGD-91-56, July 16, 1991).

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legislation, or (3) sought to influence actions of the legislative or executive branch. Although these results did not necessarily mean that the 12 individuals should have been registered with the House or Senate as lobbyists, they do suggest that many persons who are not registered are engaged in what are generally considered lobbying activities.

Because your question focussed on former Members of Congress, we identified former Members of the 100th and 101st Congresses who, for various reasons, did not return to office. Of the 92 such Members identified, 17 were listed in Washington Representatives 1993. Seven of these 17 were registered individually as lobbyists under the Federal Regulation of Lobbying Act of 1946 and the remaining 10 were not.

With respect to the Foreign Agents Registration Act of 1938, our work in 1990 confirmed what we found in 1974 and 1980: lobbyists were not registering as foreign agents when they should have been. In our 1990 report we pointed out that, in a review of the Congressional Quarterly, the Justice Department had identified 70 individuals or firms acting as lobbyists for foreign interests.<sup>7</sup> According to a Justice Department official, preliminary

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<sup>7</sup>Foreign Agent Representation: Justice Needs to Improve Program Administration (GAO/NSIAD-90-250, July 30, 1990).

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indications at the time were that at least some of them should have registered as foreign agents.

Regarding the Byrd Amendment, we reported in 1991<sup>8</sup> that the Secretary of the Senate had received only 257 disclosure forms filed with 18 agencies for all types of funding actions in the first 15 months since the effective date of the act.<sup>9</sup> Of these 257, 79 disclosure forms were filed for contract actions. Of these 79 forms, only 24 reported a lobbying entity.

The 24 forms disclosing a lobbying entity appeared to be a very small number relative to all contract actions in the federal government. From information reported by the Federal Procurement Data Center, we found that within this 15 month period, 43 agencies reported awarding a total of 102,216 new contracts and/or modifications to existing contracts each over \$100,000. These awards amounted to \$196 billion.

We reported several reasons for the relatively small number of disclosure forms filed compared to the large number of federal funding actions, including the newness of the law and the

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<sup>8</sup>Federal Lobbying: Lobbying the Executive Branch, (GAO/T-GGD-91-70, September 25, 1991).

<sup>9</sup>Such actions include contracts, grants, loans, and cooperative agreements over \$100,000, and loan guarantees and loan insurance over \$150,000.

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ambiguity in the definition of lobbying. Also, organizations using their own employees to lobby did not have to disclose the use of nonappropriated funds for such activity.

Another significant reason for the small number is a limitation we identified in the generally accepted interpretation of this law. Certain types of program advocacy are not covered under the amendment. For example, a person lobbying for funding of an entire program, in which the person is one of many possible recipients of grants or contracts, would not appear to be subject to the Byrd Amendment. Thus, the advocacy of earmarking of congressional funding to programs, which was one of the original concerns prompting the passage of this law, is not covered under this amendment.

Question 3: To what extent do official contacts by former Members of Congress and former senior officials involve (a) Congress and (b) the executive branch?

Response: Because adequate information is not available (for the reasons stated above), we do not know to what extent official contacts by former Members of Congress and former senior officials of either Congress or the executive branch involve Congress or the executive branch.

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SELECTED GAO REPORTS AND TESTIMONIES ON  
FEDERAL LOBBYING LAWS

THE FEDERAL REGULATION OF LOBBYING ACT OF 1946

The Proposed Legislative Activities Disclosure Act (H.R. 5259),  
(Testimony, March 16, 1971).

The Federal Regulation of Lobbying Act--Difficulties in  
Enforcement and Administration (GAO/GGD-75-79, April 2, 1975).

Regulation of Lobbying (H.R. 15, H.R. 778, and H.R. 6864),  
(Testimony, September 12, 1975).

Disclosure of Lobbying Activities (H.R. 1180), (Testimony, April  
6, 1977).

Disclosure of Lobbying Activities (S. 1785), (Testimony, August  
2, 1977).

Disclosure of Lobbying Activities (H.R. 91 and related bills),  
(Testimony, March 7, 1979).

Disclosure of Lobbying Activities (S. 1564), (Testimony,  
September 26, 1979).

Disclosure of Lobbying Activities, (Testimony, November 15,  
1983).

Federal Lobbying: Federal Regulation of Lobbying Act of 1946 Is  
Ineffective (GAO/T-GGD-91-56, July 16, 1991).

FOREIGN AGENTS REGISTRATION ACT OF 1938

Effectiveness of The Foreign Agents Registration Act of 1938, As  
Amended, And Its Administration By The Department of Justice, (B-  
177551, March 13, 1974).

Improvements Needed in the Administration of Foreign Agent  
Registration, (ID-80-51, July 31, 1980).

Foreign Representation: Former High-Level Federal Officials  
Representing Foreign Interests (GAO-NSIAD-86-175BR, July 11,  
1986).



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Foreign Agent Registration: Justice Needs to Improve Program Administration, (GAO/NSIAD-90-250, July 30, 1990).

Foreign Agent Registration and Former High-Level Federal Officials Representing Foreign Interests GAO/T-NSIAD-90-50, September 27, 1990).

Foreign Agent Registration: Former Federal Officials Representing Foreign Interest Before the U.S. Government (GAO/NSIAD-92-113, March 26, 1992).

Foreign Agent Contacts (GAO/GGD-93-32R, April 2, 1992).

EXECUTIVE BRANCH LOBBYING

No Strong Indication That Restrictions On Executive Branch Lobbying Should Be Expanded (GAO/GGD-84-46, March 20, 1984).

Federal Lobbying: Lobbying the Executive Branch (GAO/T-GGD-91-70, September 25, 1991).

Mr. CONYERS. Al McCandless.

Mr. MCCANDLESS. Thank you, Mr. Chairman.

Mr. Finch, I have one area I would like to cover with you and get your thoughts on it, if I may.

We continue to have increased difficulty in attracting to public service at the Federal level qualified people who can contribute materially to the process. This has been complicated by the disclosure statements and the rest of the things that have generated over a period time, many of which are needed, but have been a deterrent to getting qualified people involved. They don't want to air all their personal and private business in a public statement.

Now we are talking here about certain restrictions on what you can and cannot do after you leave public service. In one case, that current restriction in the Treasury Department has created a major problem in trying to fill one of the positions there as Assistant Treasury Secretary for Tax Policy because that person, once they accept that position, agree that they cannot in the future after leaving public service represent anyone in an Internal Revenue Service issue as a private citizen and attorney.

Do you have some thoughts on how we can address this issue to continue to try to attract and have some kind of balance as to what a person can or cannot do after leaving public office?

Mr. FINCH. Mr. McCandless, we really have not done any work to look at the presidential appointment process. We have read the press releases, and we have noted the concern. I think there is an issue there, and I think there is a public policy issue there.

I think one of the things this committee and other Members of Congress could do in addressing part of that concern at least is to thoroughly think through the requirements that are imposed so that they serve a true public policy purpose without becoming unduly burdensome on the individuals. Beyond that, sir, I would be a bit pressed to comment further.

Mr. MCCANDLESS. The current status of the system and the lack of ability to address the issue, is that because the language in the current laws have not properly addressed the issue in terms of their drafting and implementation or is it the lack of enforcement policy and procedure and some agency given the direct responsibility of following up and making sure that what we have on the books is adhered to?

Mr. FINCH. I think, sir, at least in the terms of the lobbying status, which is what our focus has been on primarily, we have not done much work on the post-employment side.

In terms of the lobbying statutes, I would respond to that that both have been a problem in terms of the effective working of those statutes. Problems have resulted from unclear guidance on who should register and what they should report and disclose. The statutes include some unclear terminology, and that results in varied interpretations of different words. So, again, it creates some uncertainty. The statutes are inadequate in terms of the provisions they make for administration and enforcement of the information that they seek to get.

Quite frankly, I think I have heard the statutes referred to—and I kind of endorse the term—as a patchwork approach to the problem. So I think, sir, the answer to this is both. Because of the lack

of enforcement mechanisms and in some instances perhaps even some resources involved, there has been a general lack of compliance with the statutes. So I think all of the points that you made are valid points.

Mr. McCANDLESS. Thank you, Mr. Chairman.

Mr. CONYERS. Thank you.

Bill Clinger.

Mr. CLINGER. Thank you, Mr. Chairman. I have no questions.

Mr. CONYERS. Gentlemen, we thank you so much. Stay tuned. This is going to be a couple of committees and four or five bills. We are all trying to make it come out right. We thank you for your contribution.

Mr. FINCH. Thank you, Mr. Chairman. Let me say, again, I support the committee's efforts.

Mr. CONYERS. We are now pleased to call Attorney Donna Edwards of Public Citizen and Charles Lewis of the Center for Public Integrity. Welcome. We will include your statements in the record in their entirety.

#### **STATEMENT OF DONNA EDWARDS, STAFF ATTORNEY, PUBLIC CITIZEN**

Ms. EDWARDS. Thank you, Mr. Chairman and members of the subcommittee. Thank you for inviting me today.

I am Donna Edwards. I am an attorney with Public Citizen in its legislative division, Congress Watch. Founded in 1971 by Ralph Nader, Public Citizen is a national consumer research and advocacy organization with more than 150,000 members nationwide.

We have long advocated for openness in government and an end to special interest influence in formulating legislation and policy. As demonstrated, we believe in poll after poll ordinary people are feeling increasingly distant from their government and their elected officials. In part, this mood has been fueled by a sense that those who lobby on a host of issues do so for the benefit of monied interests—a practice that tips unfairly, we believe, the balance in the legislative process toward those interests and away from the public interest.

Mr. Chairman, we commend you for your leadership on this important issue. We believe that tightening the definition of those who are required to register as lobbyists, restricting lobbyists' participation in the campaign finance process and limiting the ability of former executive branch officials and legislators and senior staff to exploit government service through lobbying all are ends to which this committee and the Congress should move in the coming days.

In particular, the Revolving Door Sunshine Act of 1993 goes to the core of current law and any proposed reforms. First, are post-employment activities sufficiently disclosed so that the public knows the activities of former officials and staff? And, second, is the information that is needed for enforcement really available to enforcing authorities and compiled in such a way as to assess adequately the effectiveness of the laws?

In a report completed recently by Congress Watch, "Government Service for Sale: How the Revolving Door has been Spinning"—I

would ask the Chairman if we might enter that into the record as well.

Mr. CONYERS. What is it that you would like in the record?

Ms. EDWARDS. It is the report that we completed very recently on lobbying and the revolving door, and it is called "Government Service For Sale: How The Revolving Door Has Been Spinning." It is a report in which we analyzed—over a 10-month period tracking the whereabouts of some 319 individuals who were former executive branch officials and Members of Congress and looked at where they were going and whether indeed they were lobbying.

Mr. CONYERS. It sounds like something we should have in the record.

Ms. EDWARDS. Thank you.

[The report follows:]

**GOVERNMENT SERVICE FOR SALE:**  
**How the Revolving Door has been Spinning**

by Nancy Watzman  
Public Citizen's Congress Watch  
September 1993



### Acknowledgements

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Public Citizen is a national consumer advocacy organization founded by Ralph Nader in 1971. Congress Watch is the legislative arm of Public Citizen.

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**GOVERNMENT SERVICE FOR SALE:  
How the Revolving Door has been Spinning**

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**GOVERNMENT SERVICE FOR SALE:  
How the Revolving Door has been Spinning**

**EXECUTIVE SUMMARY**

The revolving door has been whirring.

Nearly ten months after the November 1992 elections, most Members of Congress who retired after the 102nd Congress (1991-92), or who lost reelection bids, have found new jobs. So have their former staff members, as have numerous executive branch officials.

All too predictably, many of these former government officials have found lucrative work with lobbying firms, law firms, or corporate interests. These new employers often have pronounced interests in the very issue areas that former officials worked on while in the government.

That so many former government officials turn around and cash in on years of government experience points to a crisis in the ideal of public service. It also demonstrates the weaknesses of existing laws meant to prevent this very "revolving door" phenomenon, which are limited in scope and poorly enforced.

Public Citizen spent ten months tracking the whereabouts of some 319 former Members of Congress, Congressional staffers, and executive branch officials. Information was gathered through interviews, by analyzing government records, and by monitoring trade publications and other media. After compiling information, Public Citizen discovered:

- At least 101 former government officials took lobbying jobs. Another 79 went to work for law firms, the vast majority of which have lobbying practices.
- **THE BUSH CABINET.** Twelve out of 17 members of Bush's cabinet found new work with lobbying, law, or corporate organizations. Two joined think tanks; one entered academia; one is doing consulting work; one is working for a nonprofit group.

•**MEMBERS OF CONGRESS.** Out of the 108 Members of the House of Representatives defeated in races for the 103rd Congress or retired after serving in the 102nd Congress, 21 are doing lobbying work; 15 joined law firms; and 12 are working with corporate interests. One out of the 12 Senators who retired or were defeated is doing some lobbying; another four work for law firms; one is retired; two work for think tanks; three took government posts, and one, Jake Garn (R-UT), works for a chemical company, Huntsman Chemical Corp.

•**CONGRESSIONAL STAFFERS.** At least 48 Congressional staffers left Capitol Hill to lobby for such groups as the Soft Drink Association, the American Trucking Association, Nestle, ITT Corporation, and the National Broadcasting Company. Some joined lobbying firms such as Ryan•McGinn and Timmons & Company.

•**EXECUTIVE BRANCH OFFICIALS.** At least 30 executive branch officials took lobbying jobs; 49 went to law firms, and 11 went to work for corporate interests.

•**HEALTH INDUSTRY.** Perhaps the hardest working recruiters were health care related trade associations and companies, most likely in anticipation of President Clinton's promised health care overhaul:

- The Health Insurance Industry Association (HIAA) actually convinced a sitting Member of Congress, **Rep. Willis (Bill) Gradison (R-OH)** to give up his seat *after* he won reelection to become president of the group. Gradison, who was the ranking Republican on the Health Subcommittee of the House Ways and Means Committee -- the committee that will have primary jurisdiction over health care reform -- brought at least three staffers with him to work at HIAA.

- Six major health care trade associations -- the Health Insurance Association of America (HIAA), the American Hospital Association (AHA), the American Medical Association (AMA), Health Industry Manufacturers Association (HIMA), the American Academy of Family Physicians, and the American Academy of Pediatrics (AAP) -- hired ten new people from the government among them to work on legislative affairs. The American Hospital Association hired former Rep. Beryl Anthony, now with the firm

Winston & Strawn. The AHA hired Anthony because of "his knowledge of the Clinton inner circle and his long friendship with Clinton," AHA spokesman Richard Wade told the *National Journal*.<sup>1</sup>

- Aetna Life & Casualty, one of the country's largest insurance companies, also hired a powerful Capitol Hill aide, **Vanda McMurtry**, who had been staff director of the Senate Finance Committee, one of the Senate committees that will have primary jurisdiction over health care reform.

- **Robert Leonard**, chief counsel and staff director for the Ways and Means Committee, left Capitol Hill to form a new consulting group with Thomas Ryan, a former aide on the Energy & Commerce Committee chaired by Rep. John Dingell (D-MI) and William C. Oldaker, a partner with Manatt, Phelps & Phillips. The new firm, Oldaker, Ryan & Leonard, has signed up the Alliance for Managed Competition, whose members include the nation's five largest health insurers: Aetna Life & Casualty Co., CIGNA Corp., MetLife, Pfizer, Prudential Insurance Co. of America and Travelers Corp.<sup>2</sup>

- Three pharmaceutical companies -- Biogen Inc., Bristol Myers Squibb Company, and Johnson & Johnson -- hired former government officials. **David Keaney**, who worked as counsel to the House Energy and Commerce Committee (which has jurisdiction over pharmaceutical and health care issues), joined the Bristol Myers Squibb Company as director of government affairs. **Gerard F. Scannel** returned to Johnson & Johnson as vice president for corporate safety after working as an assistant secretary at the Occupational Safety and Health Administration. **Michael J. Astrue** joined Biogen Inc., a biotech firm, as vice president and general counsel. He had served as general counsel for the Department of Health and Human Services

Pharmaceutical companies also have been supplementing their own lobbying

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<sup>1</sup>Julie Kosterlitz, "Hiring Spree," the *National Journal*, September 4, 1993, pp. 2120-2125.

<sup>2</sup>Vivecka Novak, "From the K Street Corridor," *National Journal*, April 17, 1993, p. 933.

staffs with lobbying and public affairs firms:

- Ranny Cooper, administrative assistant to Sen. Edward Kennedy, Chair of the Senate Labor and Human Resources Committee, joined the Robinson Lake/ Sawyer Miller Group, a public affairs firm whose clients include the Pharmaceutical Manufacturers Association and Pfizer, a major drug company.<sup>3</sup>

- Pfizer also has retained a number of other lobbying firms, including Lent & Scrivner, headed by former Rep. Norman Lent (R-NY) and his former administrative assistant Michael Scrivner; and Winburn & Jenkins, headed by former Rep. Ed Jenkins (D-GA) and aide John P. Winburn.<sup>4</sup>

- John Orlando, former chief of staff for the House Energy and Commerce Committee, works now for Timmons & Company, a lobbying firm whose clients include G.D. Searle Co.<sup>5</sup>

•TEN PROFILES IN CHUTZPAH: Certain cases of the revolving door listed in this report deserve special distinction best captured by the word *chutzpah*. *They are cases which best illustrate how easy it is for former government officials to sidestep current revolving door laws:*

- Former **Rep. Robin Tallon (D-SC)**, who took a job with the Tobacco Institute, attended at least one meeting with a Member of Congress, during which a slide show was presented by Tobacco Institute colleagues on why no-smoking policies for federal buildings make less sense than improving overall ventilation. Congress is currently considering a smoking ban in public buildings and parks. Tallon stated that he had not been lobbying because the federal legislation was not discussed. Yet a reporter present at the Capitol Hill meeting noted that Tallon referred to congressional hearings on the legislation, saying that he thought the slide show should be

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<sup>3</sup>Julie Kosterlitz, "Hiring Spree," the *National Journal*, September 4, 1993, pp. 2120-2125.

<sup>4</sup>*ibid.*

<sup>5</sup>*ibid.*



shown if the hearings continue.<sup>6</sup> Former Members of Congress are prohibited from lobbying Congress one year after leaving office.

•Former Rep. **Raymond McGrath** (R-NY) went to work for the Beer Institute. When asked what he was doing at a lobbyist-funded "issues conference" for Republican Members of Congress in February, he stated that he was at the conference to gather information but not to dispense it, and therefore was not lobbying.<sup>7</sup> McGrath served on the House Ways and Means Committee while in Congress. The Beer Institute opposes alcohol taxes -- which must be approved by the Ways and Means Committee.

•Former Rep. **Dennis Eckart** (D-OH) joined the powerhouse lobbying and law firm of Winston & Strawn. There, along with ex-Rep. **Beryl Anthony** (D-AR), he is heading up a lobbying team on the Superfund program for the American Insurance Association (AIA). Continued funding for Superfund, the massive Environmental Protection Agency program that is supposed to clean up toxic waste sites, will be considered in Congress soon. Insurers have long complained about heavy costs for the industry associated with the program. Eckart is representing the AIA on an advisory committee put together by Environmental Protection Agency Administrator Carol Browner.<sup>8</sup> For the AIA, having Eckart on board is a coup: he played a key hand on Capitol Hill when Superfund was reauthorized in 1986.<sup>9</sup> At that time, he drew ire from environmentalists for supporting a bill with weaker cleanup schedules and health standards than another bill sponsored by Rep. Jim Florio (D-NJ).

•The lobbying firm Ryan•McGinn, upon hiring two Congressional staffers,

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<sup>6</sup>Bridgid Schulte, "Ethics Law May Have Tripped up Tallon," *The State*, April 18, 1993, page A1.

<sup>7</sup>Kenneth Merida and Kenneth J. Cooper, "Lobbyists Help Pay for Retreat of House GOP Policy Group," *Washington Post*, February 26, 1993, p. A14.

<sup>8</sup>T.R. Goldman, "Superfund Experts to the Rescue," *Legal Times*, August 23, 1993.

<sup>9</sup>Peter H. Stone, "From the K Street Corridor," *National Journal*, February 27, 1993.

sent out formal announcements crowing about how their government experience would help clients. For example: "[Diana] Gourlay's [former Senate Appropriations staffer] experience and knowledge of the congressional appropriations and budgetary processes will enable her to give expert advice and counsel on federal funding opportunities to Ryan•McGinn's clients."

•**Era Eugene Callahan**, chief of staff to former Sen. Alan Dixon (D-IL), took a job with Major League Baseball, the trade association representing professional baseball -- which happens to be concerned about pending anti-trust reform legislation affecting major league baseball. (Baseball is now exempt from anti-trust laws.) In recent months, Callahan has treated Rep. David Mann (D-OH), Rep. Bill Richardson (D-NM), and Sen. Paul Simon (D-IL), to Orioles games in Baltimore. Mann and Simon sit on committees that have oversight on anti-trust issues.

•**Rep. Norman Lent (R-NY)**, former ranking Republican on the House Energy and Commerce Committee, teamed up with his former administrative assistant, **Michael Scrivner**, to form a new lobbying firm, Lent & Scrivner. Lent may be prohibited from lobbying Congress for a year -- but Scrivner is not. Lent has not registered as a lobbyist, but Scrivner has, signing up Mobil, Pfizer, and major telecommunications companies, among other clients with business before the Energy and Commerce Committee. Current lobbying laws prohibit Scrivner from lobbying only Lent -- a nonsensical restriction, since Lent is no longer in office.

•**Former Rep. Ed Jenkins (D-GA)**, who served on the House Ways and Means Committee, formed a new firm, Winburn & Jenkins, with a Ways and Means staffer, **John P. Winburn**. The new firm is concentrating on tax consulting -- not surprising, given that all new tax laws must go through the House Ways and Means Committee.<sup>10</sup> Among the firm's

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<sup>10</sup>*National Journal*, January 9, 1993.

lobbying clients are the American Insurance Association, the American Paper Institute, Delta Air Lines Inc., Pennzoil Co., Pfizer Inc., and the Philip Morris Cos.

- While **Gerald Riso** worked as deputy assistant secretary for student financial assistance at the Department of Education, he reversed a department decision to end financial aid availability for Phillips College, Inc., a for-profit trade school with high student loan default rates. On Dec. 1, 1992, Riso received a job offer from Phillips College, which he accepted.<sup>11</sup> Rep. Bart Gordon (D-TN) called for an investigation by the Department of Education Inspector General and the General Accounting Office (GAO). To date, the inspector general's office has found no violation of existing law; a report from the GAO on the general problem of revolving door is forthcoming.<sup>12</sup>

- Former Secretary of State James Baker recently was at the center of a controversy after investigative reporter Seymour Hersh published "The Spoils of the Gulf War" in *The New Yorker's* September 6 issue. In the article, Hersh reported how Baker and ex-Army Lt. Gen. Tom Kelley stayed on in Kuwait after traveling with former President Bush on a chartered plane. (Bush was in Kuwait to accept a medal of honor.) Their business was to attend meetings for Enron, which is one of two bidders for a contract to rebuild a Kuwaiti power plant. Hersh reported that some Kuwaiti businessmen felt that the Enron proposal was flawed and only being considered because of Baker's representation. Also in Kuwait to do business were former President Bush's sons Neil and Marvin. Hersh wrote that although no laws were broken, "they may have damaged established notions of propriety and common sense. ...certain types of schemes and deals -- are

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<sup>11</sup>Stephen Barr, "Probe Asked in Hiring of Education Ex-Aide; Decisions Involving Trade School Chain Cited," *The Washington Post*, December 21, 1992, p. A19.

<sup>12</sup>Telephone conversation, Nancy Watzman, Public Citizen, with Steve Rogers, aide to Rep. Bart Gordon (D-TN), August 22, 1993.

simply beyond the bounds of decency. In seeking contracts to rebuild Kuwait so soon after American men and women risked their lives there -- in using their sacrifice as a kind of calling card -- haven't [they] transgressed those bounds?"

- Former Senator **Jake Garn** (R-UT) took a job as vice chairman of Huntsman Chemical Corporation. Garn was no stranger to the company -- in 1991-1992, he accepted two trips from the chemical company. In June 1991, Garn and his wife traveled to Armenia at the expense of Huntsman Chemical, which also paid for food and lodging. In October 1991, Garn accepted another trip from Huntsman and the Chemical Manufacturers Association, this time to New York City. While in the Senate, Garn served on the Energy and Natural Resources Committee, which had jurisdiction over issues affecting Huntsman.

Diana Gourlay joins Ryan•McGinn after more than six years on Capitol Hill and three years in the private sector. Most recently, she worked five-and-a-half years as a professional staff member of the Senate Appropriations Committee where she concentrated on issues relating to defense, military construction, economic development, space, science and transportation. Gourlay's experience and knowledge of the congressional appropriations and budgetary processes will enable her to give expert advice and counsel on federal funding opportunities to Ryan•McGinn's clients.

#### From firm announcement

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MARCH 1993

Paul Jackson Rice joins Aron Fox as counsel to the Firm's Federal Practice Department. He concentrates in federal regulatory issues covering a wide range of motor vehicle and consumer product safety matters.

From 1990, until he joined the firm, Mr. Rice was the Chief Counsel for the Department of Transportation's National Highway Traffic Safety Administration. During that period, he directed the legal staff responsible for the regulation of motor vehicle safety. He directed the drafting of all auto safety standards and other regulatory decisions issued by the agency. He also issued definitive interpretations of the statutes and regulations administered by the agency.

Mr. Rice supervised all agency litigation, including challenges to agency actions and affirmative enforcement actions. He reviewed and evaluated on-going defect and compliance investigations. Mr. Rice managed the agency's legislative affairs, directing the preparation of all agency testimony, legislative proposals, and views on pending legislation.

Prior to his appointment as Chief Counsel, Mr. Rice served for over 27 years as an Army Judge Advocate attorney, holding some of the most prestigious legal positions in the Army. He was the Dean of The Judge Advocate General's School in Charlottesville, Virginia, and general counsel to several major military installations and tactical commands.

Mr. Rice holds a J.D. degree from the University of Missouri School of Law, where he was a member of the Board of Editors of the Missouri Law Review. He also received an LL.M. degree in Criminal Law from Northwestern University School of Law.

Aron Fox is one of the largest law firms in the District of Columbia with over 240 attorneys and offices in Maryland, Virginia, New York, Budapest, Hungary, and Jeddah, Kingdom of Saudi Arabia. The Firm represents a broad range of international, national and regional clients in a variety of practice areas.

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#### From firm announcement

When former government officials join lobbying and law firms, their new employers are usually unabashed about flagging the officials' former jobs as selling points for clients. On this page are some typical examples of announcements, two that were sent through the mail and one that appeared in *Legal Times*.

## Problems with the Revolving Door

The decision to work for the government, whether in the federal agencies, or in the Congress, is not necessarily a lifetime commitment. A person may decide to work for a time in the government and then go back to private endeavors. But when a stint in government service appears to be merely a means to an end, the public loses confidence in public officials. Indeed, the revolving door phenomenon raises a number of troubling questions, some ethical, some systemic:

- **Cashing In.** Blatant abuses of influence are simple to pinpoint. When a federal official who oversees a contract turns around and joins the contractor's staff, and then negotiates for that contractor with the government -- that is an obvious example of cashing in. [See section in body of report on enforcement of revolving door laws.] Commonly, however, conflicts raised by the revolving door are more ambiguous. For example, former high level government officials often join the boards of major corporations. The work they did as officials may have had a direct effect on these corporations. Even if the former official is not billed as a lobbyist for the corporation, an *appearance* of conflict may arise. After all, corporate board members often play an advisory role in lobbying strategy, or take part in occasional lobbying. Similarly, a former government official who joins a law firm may not formally work in the law firm's government relations or lobbying practice, but may advise others who do. The vast majority of law firms listed in this report have lobbying practices. On the other hand, if a former official goes to work for a company that has nothing to do with the official's government work, there may be little or no question of conflict.

- **Unfair Access.** When the major trade associations, lobbying groups, law firms, and corporations hire from the ranks of Congressional staffers and federal officials, they are not just hiring because of substantive experience. They are hiring because of these people's *access* to decisionmakers -- literally their ability to get their phone calls returned. As former Member of Congress Carroll Hubbard told Public Citizen in an interview, "In law it's not what you know, it's who you



know."<sup>13</sup> Ordinary citizens usually cannot afford to hire people to give them this sort of access. All too often, the result is skewed public policy.

For example, this report shows how major health care trade associations and companies have culled Capitol Hill for health policy aides to fill out their lobbying operations. With major health care reform around the corner, they must believe that such hires were necessary to make sure that their point of view was well represented. But what about the 37 million Americans who lack health insurance? They have not been able to hire former Senate Finance Committee and House Ways and Means Committee staffers to plead their case before Congress.

**Corrosion of Government Service Ethic.** When public service is viewed as nothing more than a stepping stone to more lucrative endeavors, it is no wonder that people start to lose confidence in government. During the 1992 elections, candidates Ross Perot and Bill Clinton clearly struck a strong chord with voters when they criticized the revolving door between government and the special interests. Books like Pat Choate's *Agents of Influence*, which describes how former government officials have gone to work for foreign interests, have raised public consciousness about the revolving door.

### **Limits of Current Law**

In 1989, Congress passed the Ethics Reform Act, which prohibits Members of Congress from lobbying Congress for a year after leaving office. The law also places restrictions on Congressional staffers: high level staff who worked for a Member of Congress are prohibited from lobbying their old office for a year; and those who worked for a committee are forbidden to lobby that committee for a year. Executive branch officials are barred from representing clients on matters in which they were "personally and substantially involved" in while in office, and

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<sup>13</sup>Telephone interview with Carroll Hubbard by Julian Nadel, Public Citizen, July 13, 1993.

they are prohibited from representing clients for two years in matters that were in the officials' responsibility. High level officials are also banned from lobbying their old agency for one year.<sup>14</sup>

Instead of keeping the system of government clean, however, the law practically invites special interest groups to find ways around it. Hairs are split -- and then split some more. Former Rep. Tallon attended at least one meeting with a Member of Congress where issues affecting his new employer were discussed. But he claims he wasn't *lobbying* -- he simply attended for the discussion. Former Rep. McGrath stated that he attended a lobbyist-funded "issues conference" for Republican Members of Congress not to disseminate information but to gather it -- and therefore he was not "lobbying." Such explanations may or may not pass the legal test, but they certainly do not pass the common sense test for the public.

Besides inviting hair splitting, there are ways in which the current law is just plain inadequate. Former Members of Congress are prohibited from lobbying Congress for a year -- but there is no prohibition on communications with federal agencies, even those whose work they oversaw as members of a particular committee. Likewise, former executive branch officials are not prohibited from lobbying Congress -- even if their job for the administration was to lobby Congress.

### **Poor Enforcement of Revolving Door Laws**

The government has not collected hard data on exactly how many prosecutions have resulted under post-employment restriction laws. What information does exist, however, points toward a poor record of enforcement.

Lack of data is due in part to the fact that U.S. attorneys across the country are not required to report cases to any central location. The Office of Government Ethics (OGE), the federal office charged with implementing the 1989 Ethics Reform Act, has attempted to collect information through regular surveys of U.S.

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<sup>14</sup>Ethics Reform Act of 1989, Public Law 101-194; 103 STAT. 1716-1789.

attorneys and the Public Integrity Office at the Department of Justice. These surveys, however, often are not returned. Information, therefore, is incomplete.<sup>15</sup>

Of those cases that are reported, only a small fraction have to do with post-employment restrictions -- most are brought under conflict of interest laws. For example, a November 1992 memorandum covering the survey on 1990-91 prosecutions, the latest available, reports on 18 ethics prosecutions.<sup>16</sup> *Only two involve charges under the post-employment restrictions.* In both cases, the post-employment charges did not hold up.

### **Lobbying Disclosure Laws Lacking**

Another problem plaguing anyone seeking information about the revolving door phenomenon is the poor state of current lobbying disclosure laws. Right now a patchwork of laws govern lobbying disclosure, including the Federal Regulation of Lobbying Act (FRLA) of 1946, the Foreign Agents Registration Act (FARA), the Byrd Amendment, and the HUD Reform Act.

The main lobbying disclosure law is the FRLA. While it was conceived to capture a great deal of information, the FRLA was challenged in court just a few years after enactment. The resulting decision from the Supreme Court, *U.S. v. Harriss*, severely restricted the law, defining lobbying narrowly: as face-to-face contact with Members of Congress. As a result, very little of the work that most people may think of as lobbying -- contacting Congressional staff members, executive branch officials, putting together coalitions, figuring out strategy -- is required to be reported.

There have been periodic attempts to overhaul basic lobbying disclosure laws. Most recently, the Senate overwhelmingly passed the Lobbying Disclosure

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<sup>15</sup>Telephone conversation between Robert Cobb, attorney, Office of Government Ethics, and Nancy Watzman, Public Citizen, June 29, 1993.

<sup>16</sup>Memorandum for designated agency ethics officials and inspectors general, from Stephen D. Potts, director, Office of Government Ethics, on Conflict of Interest Prosecutions Survey, November 4, 1992.

Act of 1993, which streamlines and reforms the process by consolidating disclosure in a single government office, and addresses some of the shortcomings of the existing laws. The House of Representatives is considering a similar bill.

## RECOMMENDATIONS

Slamming the revolving door shut between the government and special interests may be a difficult task, particularly because some reforms butt up against the rights of association and speech of the first amendment. However, if the public is to regain trust in policy makers, a number of reforms should be adopted. The evidence compiled in this report shows that current revolving door laws are clearly insufficient. There are a number of actions Congress should take:

- 1. Strengthen existing revolving door law.** President Clinton has already taken a first step by issuing an executive order lengthening the "cooling off" period for high level federal officials from one to five years.<sup>17</sup> Congress should follow suit and lengthen the prohibition from lobbying for ex-Members of Congress and high level Congressional staff from one to five years.<sup>18</sup> Congress should also enact a restriction, of at least one year, on ex-Members and high level Congressional staff from lobbying the executive branch in areas of prior responsibility in Congress -- i.e., an agency for which the Member had oversight authority as a committee member. Congress should prohibit high level Congressional staffers from lobbying their former employer, office, or committee for five years, as well as *any* Member of Congress or congressional staff for two years.
- 2. Strengthen reporting laws to improve data collection.** Because of the poor

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<sup>17</sup>Executive Order, Ethics Commitments by Executive Branch Appointees, January 20, 1993.

<sup>18</sup>Sen. David Boren (D-OK) has introduced a bill, the Ethics in Government Reform Act of 1993, S.420, which would lengthen post-employment restrictions for former Members of Congress and high level Congressional staff from one to five years. The legislation also codifies elements of President Clinton's executive order on post-employment restrictions.

state of current lobbying disclosure laws, it is difficult to track the activities of ex-government officials. Not only is information scattered at a number of offices, but the definition of "lobbying" covered by the various laws is too narrow. For example, the existing Federal Regulation of Lobbying Act requires no disclosure of executive branch lobbying. There are a number of ways to improve disclosure:

- Enact the Lobbying Disclosure Act (LDA), already passed by the Senate, which would close some of the loopholes in current lobbying disclosure laws, including the 1946 Federal Regulation of Lobbying Act. For example, the LDA broadens the definition of lobbying to include executive branch contacts; it also clarifies lobbying of the legislative branch by including staff contacts and preparation of lobbying materials and strategy. The LDA would also make information more easily accessible by the public by centralizing record collection in a new Justice Department office. The House of Representatives has yet to act on the bill.

- Enact the Revolving Door Sunshine Act of 1993, recently introduced by Rep. John Conyers (D-MI), which would require high level officials prohibited from lobbying under the revolving door law to file semiannual reports detailing their contacts with the government. This scheme, if implemented, might prove an effective deterrent to illegal lobbying in Congress or government agencies and would also provide useful information about former officials' contacts with the government.

- It is impossible to determine whether revolving door laws are working well when there is no central source that collects information on enforcement. While it has no specific mandate to do so, the federal Office of Government Ethics (OGE) conducts regular surveys of U.S. attorneys and the Public Integrity Unit at the Justice Department to gather such information. Offices do not always return the forms, however, so the information is often incomplete. Congress should mandate that OGE prepare an annual report, available to the public, that details prosecution of post-employment restriction laws around the nation. Justice Department attorneys should be

required to report this information to the OGE.

**3. Improve enforcement of revolving door laws.** What data there are on revolving door enforcement shows a poor record; in fact, there have been no successful prosecutions reported in recent years. This may be due, in part, to lack of reporting of violations to authorities. One way to improve enforcement would be to enact a reward provision for whistleblowers who report violations of the law. Current law provides that the Justice Department can bring civil suits for up to \$50,000 in penalties. Congress should enact a provision which would raise the maximum penalty to \$500,000 and give whistleblowers a significant portion of the penalty imposed.



## GOVERNMENT SERVICE FOR SALE: How the Revolving Door has been Spinning

### INTRODUCTION

#### Government Service for Sale

Thomas Jefferson extolled the ideal of the citizen-legislator, who would represent his district in Congress and then return home when he was done. There are very few such citizen-legislators today. Instead of going home, many of those who come to Washington to serve in the government not only stay -- they stay to join the main industry of the company town: lobbying.

The number of professional lobbyists in Washington has exploded in recent years. Some put the number as high as 80,000; whatever the amount is, it is sure to number in the tens of thousands.<sup>19</sup> Certainly the number of trade associations, lobbying firms, law firms with lobbying arms, and public relations firms is in the hundreds, perhaps thousands. From the National Pork Producers Council to the American Medical Association, virtually every industrial and business sector has an organization to do its lobbying. Services of in-house lobbyists are often augmented with those offered by high-priced lobbying firms, which often bear the names of former administration officials: The Wexler Group was founded by Ann Wexler, a Carter Administration official. The Duberstein Group got its start from Ken Duberstein, an official under President Reagan. The "Bayh" in Bayh Connaughton Fensterheim & Malone is Birch Bayh, a former senator from Indiana. Professional lobbyists can earn in the range of hundreds of thousands of

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<sup>19</sup>The 80,000 figure originated with American University professor James Thurber, who threw out the number casually in a conversation with *Wall Street Journal* reporter Jeffrey Birnbaum. Thurber later did a more systematic estimate and came up with a higher number -- 91,000. The American League of Lobbyists, a trade association representing lobbyists, estimates a much lower number -- only 10,000. The discrepancy may in large part be due to different definitions of "lobbyist." The Federal Regulation of Lobbying Act (FRLA) of 1946 defines the term extremely narrowly, so that, for example, people who lobby the executive branch are not considered lobbyists. Thus an estimate based on the FRLA definition of lobbyist would be much smaller than an estimate based on how many people make a living from "federal" or "government" relations. See "80,000 Lobbyists? Probably Not, But Maybe..." *The New York Times*, May 12, 1993, p. A13.

dollars a year.

Professional lobbying has become such a standard career goal that some young people apparently treat government service as a mere stepping stone to lucrative private sector careers. *Wall Street Journal* reporter Jeffrey H. Birnbaum writes in his recent book, *The Lobbyists: How Influence Peddlers Get Their Way in Washington*:

Becoming a lobbyist was increasingly part of the career plans of congressional staffers. Taking a job on Capitol Hill "became more of a means to an end while I was there," said Carolyn Blaydes, a former tax aide to Representative Tom Downey. "People coming up [as staffers] see it as a way to move up: become a lobbyist and probably double their salary." Added David Raboy, a former top tax aide to Senator William Roth, Jr., of Delaware and a lobbyist with Patton, Boggs & Blow, "It's almost like an internship for a doctor...It's a card you have to punch." [p. 128]

This eagerness to serve -- and then cash in quickly -- perhaps explains why the tenure of a typical political appointee is so short. Sen. John Glenn (D-OH), chair of the Senate Governmental Affairs Committee, has taken to asking nominees for executive branch offices for a commitment of at least four years. That is because about a third of political appointees leave their government jobs after only 18 months.<sup>20</sup>

Unfortunately, existing post-employment restrictions do not seem to slow down this rush to serve the special interests. "It has not come up once. Nobody has even given it a head fake(sic). Nobody has said the phrase 'new ethics rules.' Nobody has said the word 'ethics,'" a headhunter told the *Washington Post* in January, referring to the effect of the new one-year lobbying ban on potential employers of former Members of Congress and staff. In the same article, Eric Vautour, who recruits trade group executives for Russell Reynolds Associates Inc. states, "The fact that they can't go up and buttonhole their former colleagues is not a stumbling block...That imposition has not affected the decision-making for

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<sup>20</sup>"Tenure of Political Appointees," the *Washington Post*, April 6, 1993.

any of our clients, mostly because they would not expect their leader to do day-to-day lobbying on the Hill."<sup>21</sup>

### A Brief History of Revolving Door Laws

Until the mid-19th century, there was nothing to prevent a clerk at a government department from helping a person with a claim against the same department. In present day terms, that would mean that an assistant administrator at the Environmental Protection Agency (EPA) could get extra money on the side for advising a manufacturer how to get around pollution laws.

That kind of moonlighting for private interests was finally outlawed. But problems remained: government officials would simply quit their jobs and, as soon as the following day, start representing an outside interest on a matter that the official had been in charge of while in office.

Congress passed its first law attempting to deal with this "revolving door" phenomenon in 1872. This law, which barred former government employees for two years after leaving office from representing people for claims that were pending while the official was in office, applied only to the executive branch, not to Members of Congress, and included no penalties.<sup>22</sup> It stayed on the books for decades, becoming more outdated as the years passed.<sup>23</sup> During World War II, Congress gave employees of the Secretaries of War, Navy, the Treasury, and the Maritime Commission an exemption from the revolving door law. The theory was

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<sup>21</sup>Kenneth J. Cooper, "Leeway Found in New Anti-Lobby Restrictions," *Washington Post*, January 24, 1993.

<sup>22</sup>The Association of the Bar of the City of New York, Special Committee on the Federal Conflict of Interest Laws, *Conflict of Interest and Federal Service*, Harvard University Press, Cambridge, Massachusetts, 1960, p. 45.

<sup>23</sup>For example, the 1872 law applied to federal *departments* only, not to independent agencies. This made sense in 1872, when there was no such thing as an independent agency – but in the decades that followed, numerous such agencies, such as the Interstate Commerce Commission, were created. Employees of these agencies were not covered under the law.

that an exemption was needed to attract professionals to the war effort.

In 1944, Congress amended the revolving door statute. This time the post-employment restrictions were extended to all agencies, not just departments; and criminal penalties were added. The new law also included prohibitions on representing clients on claims related to issue areas over which an official had responsibility.<sup>24</sup> The law remained in place until the 1960s, when it was revamped as part of a general revision of federal bribery and conflict of interest laws.

In 1978, the law was amended again, as part of the post-Watergate flurry of ethics reforms. This time a one-year cooling off period was added for executive branch officials preventing them from contacting their former agency. Executive branch employees were also barred for life from lobbying on any matter in which they were "personally and substantially" involved.

### **Michael Deaver, Lynn Nofziger, and the Failure of Revolving Door Laws**

The Reagan years saw abuses of government power that made people take notice of revolving door laws again. Michael Deaver, who had worked as deputy chief of staff for President Reagan, made the cover of *Time* magazine in 1986 with the headline "Who's This Man Calling?" when he opened up his own lobbying shop after leaving the administration. Deaver's high-level shmoozing attracted big clients -- but also much controversy. A loophole in revolving door law made Deaver difficult to prosecute: his former colleagues at the White House were held to be from different "agencies,"<sup>25</sup> and therefore not touched by prohibitions against contacting officials in one's former agency.

Deaver's former colleague, Lyn Nofziger, who served as political affairs director under President Reagan, also set up his own consulting firm within a year

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<sup>24</sup>ibid., p. 51.

<sup>25</sup>"Washington on an Ethics Kick," *The Economist*, January 28, 1989.

of leaving the White House. Nofziger was convicted under the revolving door law in 1988, and sentenced to 90 days in prison and a \$30,000 fine. The federal appeals court, however, threw out the conviction, on the basis that Nofziger had not "knowingly" broken the law. In 1989, the Supreme Court refused to hear the case.

The cases of Deaver and Nofziger did have some effect on Congress, which moved again to toughen the law. In 1988, Congress passed a revision that clarified that the White House was considered an "agency" under the law and extended the one-year ban on lobbying for the very first time to Members of Congress and high level congressional staff. The bill, however, never made it into law. President Reagan "pocket" vetoed the bill -- that is, he failed to sign it before Congress went out of session, effectively preventing it from becoming law.

After President George Bush took office, the revolving door issue was revived. In December 1989, at the end of the session, Congress voted itself a pay raise despite strong public opposition. As a tradeoff to the pay raise, Congress made some ethics reforms, including a ban on honoraria in the House and some changes in gift rules. Also included was a tougher revolving door law, which, for the first time, subjected Members of Congress and high level Congressional staff to a one-year lobbying ban.

### **Poor Enforcement of Revolving Door Laws**

The government has not collected hard data on exactly how many prosecutions have been made under post-employment restriction laws. What information does exist, however, points toward a poor record of enforcement.

Lack of data is due in part to the fact that U.S. attorneys are not required to report cases to any central location. The Office of Government Ethics (OGE), the federal office charged with implementing the 1989 Ethics Reform Act, has attempted to collect information through regular surveys of U.S. attorneys and the Public Integrity Office at the Department of Justice. These surveys, however, are



often not returned. Information, therefore, is incomplete.<sup>26</sup>

Of those cases that are reported, only a small fraction have to do with post-employment restrictions -- most are brought under conflict of interest laws. For example, a November 1992 memorandum covering the survey on 1990-91 prosecutions, the latest available, reports on 18 ethics prosecutions.<sup>27</sup> *Only two involved charges under the post-employment restrictions.* In both cases, the post-employment charges did not hold up:

- Air Force Colonel Eugene Schaltenbrand was convicted in 1989 of violating both conflict of interest laws and post-employment restrictions. While working for the government, Schaltenbrand had met with officials of Teledyne Brown Engineering about possible employment with a project Schaltenbrand was working on as a government employee. After leaving the government, Schaltenbrand took the job at Teledyne, and, subsequently, attended a meeting as a Teledyne employee with government officials. The Appeals Court upheld the conflict-of-interest violation -- that Schaltenbrand was remiss for negotiating employment with Teledyne while still working for the government -- but not the post-employment restriction violation. The court found that while Schaltenbrand had attended the meeting, he had not done so as an "agent" of the company able to bind the company to any commitments.<sup>28</sup>

- Dr. Alan E. Beutel, a special assistant for data automation in the Navy, was in charge of data processing services, including systems development and contracts. At the same time he was recommending that the assistant secretary of the Navy hire a firm called Systems Management American

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<sup>26</sup>Telephone conversation between Nancy Watzman, Public Citizen, and Robert Cobb, attorney, Office of Government Ethics, June 29, 1993.

<sup>27</sup>Memorandum for designated agency ethics officials and inspectors general, from Stephen D. Potts, director, Office of Government Ethics, on Conflict of Interest Prosecutions Survey, November 4, 1992.

<sup>28</sup>*ibid.*, p. 2.



Corporation (SMA) for a \$100 million contract, he negotiated a lucrative employment contract with SMA. After taking the job with SMA, Beutel represented the company on a contract he had worked on while at the Navy. Beutel pled guilty to conflict-of-interest charges, but not post-employment restriction laws. Beutel, who was ill, received the proverbial slap on the wrist: he was placed on probation for three years and fined \$10,000.<sup>29</sup>

### Lobbying Disclosure Laws Lacking

Another problem plaguing anyone seeking information about the revolving door phenomenon is the poor state of current lobbying disclosure laws. Right now a patchwork of laws govern lobbying disclosure, including the Federal Regulation of Lobbying Act (FRLA) of 1946, the Foreign Agents Registration Act (FARA), the Byrd Amendment, and the HUD Reform Act.<sup>30</sup>

The main lobbying disclosure law is the FRLA. While it was conceived to capture a great deal of information, the FRLA was challenged in court just a few years after enactment. The resulting decision from the Supreme Court, *U.S. v. Harriss*, severely restricted the law, defining lobbying narrowly: as face-to-face contact with Members of Congress. As a result, very little of the work that most people may think of as lobbying -- contacting Congressional staff members or executive branch officials, putting together coalitions, figuring out strategy -- is required to be reported.

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<sup>29</sup>*ibid.*, p. 8.

<sup>30</sup> Congress passed FARA in the mid-1930s, as a response to fears of Nazi propaganda. FARA required individuals representing a foreign government or individual to register with the Justice Department. In the 1980s, some new disclosure laws were passed designed to capture specific types of information. For example, the Byrd Amendment, passed in October 1989 as part of an Interior Appropriations bill, requires recipients of Federal assistance to disclose lobbyists they hire to influence future federal awards of grants, contracts and loans. The HUD Reform Act, passed two months after the Byrd Amendment, sets slightly different disclosure requirements for people who are attempting to influence decisions on assistance by the Department of Housing and Urban Development (HUD) and the Farmers Home Administration.

There have been periodic attempts to overhaul basic lobbying disclosure laws. Most recently, the Senate overwhelmingly passed the Lobbying Disclosure Act of 1993, which streamlines and reforms the process by consolidating disclosure in a single government office, and addresses some of the shortcomings of the existing laws. The House of Representatives is considering a similar bill.

### **New Interest in Toughening up Revolving Door Laws: President Clinton's Executive Order and Senate legislation**

Candidates Bill Clinton and Ross Perot made much on the campaign trail of the revolving door between special interests and the government. One of President Clinton's first acts in office was to issue a new executive order (e.o.) that toughens up post-employment restrictions for federal employees. The new e.o. lengthens the one-year cooling off period to five years, prohibiting high level officials from lobbying their former agencies for five years. In addition, top White House officials will be prohibited from lobbying any department over which they had substantial personal responsibility.

The president's e.o. applies only to the executive branch. Early this year, however, Senator David Boren (D-OK) introduced legislation that would codify the e.o. and extend its strengthening features to the legislative branch. Members of Congress would be banned for five years from lobbying any committees on which they served, and prohibited from lobbying any other Member of Congress or their staffs for two years. High level Congressional staffers would be prohibited from lobbying their former employer, office, or committee for five years, as well as *any* Member of Congress or congressional staff for two years.

The Senate Committee on Governmental Affairs hosted a hearing on the revolving door bill in March. Since then, however, there has been little action on the bill, and it is not clear whether and when the legislation will reach the Senate floor.

## CASE STUDIES

## I. THE BUSH CABINET

Twelve out of 17 members of Bush's cabinet found new work with lobbying, law, or corporate firms. Two joined think tanks; one entered academia; one is doing consulting work; one is working for a nonprofit organization.

•**James Baker**, former Secretary of State and White House Chief of Staff, is a partner at Baker & Botts, a law firm, special counsel to the Carlyle Group, a private investment banking firm, and a consultant to Enron, the largest natural gas company in the country. In addition to a law practice, the firm Baker & Botts lobbies for such clients as U.S. West Inc. and Rite Aid Corp.

Baker recently was at the center of a controversy after investigative reporter Seymour Hersh published "The Spoils of the Gulf War" in *The New Yorker's* September 6 issue. In the article, Hersh reported how Baker and ex-Army Lt. Gen. Tom Kelley stayed on in Kuwait after traveling with former President Bush on a chartered plane. (Bush was in Kuwait to accept a medal of honor.) Their business was to attend meetings for Enron, which is one of two bidders for a contract to rebuild a Kuwaiti power plant. Hersh reported that some Kuwaiti businessmen felt that the Enron proposal was flawed and only being considered because of Baker's representation. Also in Kuwait to do business were former President Bush's sons Neil and Marvin. John Sununu, Bush's former chief of staff, who is a representative for Westinghouse, which is building on a Kuwaiti defense system, also stayed on in Kuwait, although he stated that he was not there for business. Hersh wrote that although no laws were broken, "they may have damaged established notions of propriety and common sense. ...certain types of schemes and deals -- are simply beyond the bounds of decency. In seeking contracts to rebuild Kuwait so soon after American men and women risked their lives there-- in using their sacrifice as a kind of calling card -- haven't [they] transgressed those bounds?"

•Joining Baker at Enron is former Commerce Secretary **Robert Mosbacher**, who also has his own business, the Mosbacher Energy Company. Enron has interests in building power plants around the world, and apparently hired Baker and Mosbacher to help them. "James Baker has a tremendous potential market value around the world because of his portfolio of experience there," said John E. Olson, an industry analyst for Merrill Lynch Global Securities in Houston, when the hires were announced.<sup>31</sup>

•Other cabinet officials working for corporate interests include **Clayton Yeutter**, former secretary of agriculture and U.S. Trade Representative, who spends most of his time working on international trade and agriculture regulations. Yeutter sits on corporate boards, such as Caterpillar, forming international connections, and also works at the law firm Hogan & Hartson.<sup>32</sup> **Nicholas Brady**, former Secretary of the Treasury, is now at Darby Associates, an investment firm. **Samuel Skinner**, former Secretary of Transportation, is now president of Commonwealth Edison, a Chicago-based utility. Former Labor Secretary **Lynn Martin** serves on several corporate boards of directors, including Ameritech, a telecommunications firm, and the Dreyfuss Funds, holds a the Davee Chair at Northwestern University's Kellogg Business School, and does commentary for Marketplace, a radio show on American Public Radio.

•Two cabinet officials went to work for large law firms: **William Barr**, former attorney general, went to Shaw Pittman Potts & Trowbridge; and Lamar Alexander, who served as Secretary of Education, went to Baker Worthington Crossley Stansberry & Woolf. Both law firms have Washington, DC lobbying practices.

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<sup>31</sup>Bloomberg Business News, "Baker and Mosbacher Are Hired by Enron," *New York Times*.

<sup>32</sup>Telephone interview with Clayton Yeutter, by Julian Nadel, Public Citizen, July 13, 1993.

•Former Secretary of State **Lawrence Eagleburger** also joined the law firm Baker, Worthington, Crossley, Stansberry & Woolf. Eagleburger, who is not a lawyer, took the title "senior international affairs advisor." In a prepared statement, Eagleburger commented that his new job would offer "a unique opportunity to help American companies identify and take advantage of trade and investment opportunities in a global economy in the throes of dramatic, historic change."<sup>33</sup>

•Former Secretary of Agriculture **Edward Madigan** -- who served as a Member of Congress before taking the agriculture post -- works with State Farm Insurance Company. Upon leaving office, Madigan first took office space with the firm Mcleod, Watkinson and Miller. In May, on behalf of the firm, he registered as a lobbyist for a company called PromoFlor, to lobby on legislation authorizing a promotional program for fresh cut flowers and cut greens. During the summer, Madigan decided not to join Mcleod, Watkinson and Miller, and, instead took the position with State Farm Insurance Company.

•Former Secretary of the Interior **Manuel Lujan, Jr.** is working as a lobbyist. To date, he has filed disclosure forms for two clients: the Westland Development Corporation and the National Indian Business Association. Westland Development Corp. hired him to lobby on budget appropriations for the Petroglyph National Monument; the Indian Business Association to work on "small business -- indefinitely."

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<sup>33</sup>From "Inadmissible" column, *Legal Times*, January 25, 1993, p. 3.

**BUSH CABINET<sup>1</sup>**

<b>NAME</b>	<b>FORMER OFFICE</b>	<b>NEW JOB</b>	<b>JOB TYPE</b>
Lamar Alexander	Secretary of Education	Baker Worthington Crossley Stansberry & Woolf*	LW
James A. Baker	Secretary of State; White House Chief of Staff	Enron, Baker & Botts*, Carlyle Group	CP/LW
William Barr	Attorney General	Shaw Pittman Potts & Trowbridge*	LW
Nicholas F. Brady	Secretary of the Treasury	Darby Associates	CP
Dick Cheney	Secretary of Defense	American Enterprise Institute	TH
Edward J. Derwinski	Secretary of Veteran Affairs	Derwinski & Associates	CS
Lawrence Eagleburger	Secretary of State	Baker Worthington Crossley Stansberry & Woolf*	LB
Jack F. Kemp	Secretary of Housing and Urban Development	Heritage Foundation, Empower America	TH
Manual Lujan Jr.	Secretary of the Interior	Consulting*	LB



Edward R. Madigan	Secretary of Agriculture	State Farm Insurance Company	CP
Lynn Martin	Secretary of Labor	Corporate boards: Ameritech, Dreyfuss Funds; Board of Chicago Zoo; Davee Chair at Northwestern University's Kellogg Business School; radio commentator, Marketplace (American Public Radio)	CP/ MD/ AC
Robert A. Mosbacher	Secretary of Commerce	Enron, Mosbacher Energy Company	CP
William K. Reilly	Administrator, Environmental Protection Agency	World Wildlife Fund	AD
Samuel K. Skinner	Secretary of Transportation, White House Chief of Staff	Commonwealth Edison	CP
Louis Sullivan	Secretary of Health and Human Services	Morehouse College School of Medicine	AC
James D. Watkins	Secretary of Energy	President, Joint Oceanographic Institutions Inc.	NP
Clayton Yeutter	Secretary of Agriculture, U.S. Trade Representative	Hogan & Hartson*; Corporate boards, including Caterpillar	LW/C P

\* Starred firms either have lobbying practices according to disclosure forms filed with the government under the Federal Regulation of Lobbying Act (FRLA), or are listed as lobbying firms in *The Directory of Washington Lobbyists Lawyers and Interest Groups: Summer 1993*, a reference book published by Amward Publications, Inc., Rockville, MD. The *Directory* defines a lobbyist as "any person whose compensated duties include representing an employer's or client's views to the federal government. This definition includes, but is not limited to, the presentation of oral or written information in response to inquiries that originate in Congress or the Executive Branch; the provision of written or oral testimony to a congressional committee; or, the submission of written or oral comments in a rulemaking procedure." This definition of lobbying is broader than that under the FRLA, which is generally interpreted to include direct contact with Members of Congress.

1 For purposes of this chart, the Environmental Protectional Agency administrator, while not technically in the cabinet, was included.

2 Codes for "TYPE" follow:

AC - ACADEMIA  
 AD - ADVOCACY  
 CP - CORPORATION  
 CS - CONSULTING  
 GV - GOVERNMENT  
 LB - LOBBYING, TRADE ASSOCIATION  
 LW - LAW FIRM  
 MD - MEDIA  
 NP - NONPROFIT  
 OT - OTHER  
 PR - PUBLIC RELATIONS  
 PL - POLITICS  
 RT - RETIRED  
 TH - THINK TANK/FOUNDATION

## II. CONGRESS

### The House of Representatives

Out of 108 Members of the House of Representatives defeated in races for the 103rd Congress or retired after serving in the 102nd Congress, 21 are doing lobbying work; 15 joined law firms; 12 are working with corporate interests; 2 went into politics; 10 into government work; 9 into academia; 5 into media; 5 into consulting; 2 to think tanks; 4 to advocacy groups; 2 into nonprofit groups; 19 are classified as "OT" for miscellaneous. (Note: there is some overlap. One former Member is doing consulting, advocacy, and media work; another is both doing academics and politics.) Some examples of the revolving door at work are:

- After retiring from Congress, former Rep. **Robin Tallon** (D-SC) took a job as senior federal government relations consultant for the Tobacco Institute, the trade association for the tobacco industry. As the representative from a tobacco producing section of South Carolina, Tallon served on the House Agriculture Committee, which has jurisdiction over the tobacco industry, while he was in Congress. Tallon told the *Charlotte Observer* in March that in working on tobacco interests, "I feel like I'm doing the Lord's work," and that he was complying with post-employment restrictions because he was only lobbying the White House and federal agencies, which is within the law.<sup>34</sup>

Soon after that interview, however, Knight Ridder reporter Brigid Schulte noticed former Rep. Tallon at a meeting with other representatives from the Tobacco Institute at Rep. James Clyburn's (D-SC) office. (Clyburn had won Tallon's old seat.) The Institute staff showed Clyburn a slide show on "Sick Building Syndrome," the thrust of which was that a smoking ban does not make sense given all the various pollutants present in buildings -- that better ventilation is the key to healthier indoor environments. Congress is currently

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<sup>34</sup>John Monk, "Sanford, Tallon Land New Jobs; Employers Do Much Lobbying," the *Charlotte Observer*, March 6, 1993.

considering a smoking ban in public buildings and parks. Tallon stated that he had not been lobbying because the federal legislation was not discussed. Yet according to a report<sup>35</sup>, at the Capitol Hill meeting, Tallon referred to congressional hearings on the smoking ban legislation, saying that he thought the slide show should be shown if the hearings continue.

Tallon's case shows how narrowly people interpret the one-year ban on lobbying. "In my mind, we weren't discussing the federal ban on smoking," Tallon told Schulte. "I wanted to see the presentation on indoor air quality. And there's really no legislation dealing with the total air quality picture...That's clearly no violation. No lobbying was involved there. But better judgment would be to stay totally out of members' offices. That's going to be my policy from now on."<sup>36</sup> Other work Tallon had been doing for the Tobacco Institute included preparing a report on the Clinton health care proposal and designing an advertisement on excise taxes.

The week before Schulte's story appeared in a South Carolina newspaper, Tallon filed a lobbying disclosure form stating he was working on "legislation affecting tobacco and tobacco products." It is very rare for a former Member of Congress to file a lobbying disclosure form the year after they leave Congress. This is perhaps because the current lobbying disclosure law is generally interpreted to cover only direct lobbying of Members of Congress -- which Members are prohibited from doing for a full year after they leave Congress. However, lobbyists often report activities that are *not* direct contact with Members of Congress.

•Considered hot prospects for hiring by Washington insiders, former Rep. **Beryl Anthony** (D-AR) and Rep. **Dennis Eckart** (D-OH) both landed at Winston & Strawn. Both former representatives had served on powerful committees while serving the House -- Anthony, the Ways and Means Committee and Eckart, the

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<sup>35</sup>Bridgid Schulte, "Ethics Law May Have Tripped up Tallon," *The State*, April 18, 1993.

<sup>36</sup>*ibid.*

Energy and Commerce Committee. Winston & Strawn is a powerhouse law and lobbying firm with dozens of clients, including the American Insurance Association, Barr Laboratories Inc., the Natural Gas Pipeline Coalition, Lockheed Air Terminal Inc. and the Student Loan Marketing Corp. In February, *National Journal* reporter Peter Stone reported that the duo were heading up a lobbying team on the Superfund program for the American Insurance Association (AIA). Superfund, the massive Environmental Protection Agency program that is supposed to clean up toxic waste sites, is up for reauthorization in Congress soon. Insurers have long complained about heavy costs for the industry associated with the program. Eckart is representing the AIA on an advisory committee put together by Environmental Protection Agency Administrator Carol Browner.<sup>37</sup> For the AIA, having Eckart on board is a coup: he played a key hand on Capitol Hill when Superfund was reauthorized in 1986.<sup>38</sup> At that time, he drew ire from environmentalists for supporting a bill with weaker cleanup schedules and health standards than another bill sponsored by Rep. Jim Florio (D-NJ).

•As a member of the House Banking Committee, Rep. **Carroll Hubbard, Jr.** (D-KY) contributed to decisions on how to regulate the banking industry. After being defeated in the primary for his tenth term, Hubbard joined a Kentucky law firm and took a consulting job with the Independent Bankers Association, the national trade association representing community banks -- banks that are locally owned and operated. In an interview with Public Citizen, Hubbard stated, "In law it's not what you know, it's who you know...my contacts [in Washington] are invaluable...but, of course, I cannot lobby for a year."<sup>39</sup>

•After retiring from the 102nd Congress, **Rep. Raymond McGrath** (R-NY) took a

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<sup>37</sup>T.R. Goldman, "Superfund Experts to the Rescue," *Legal Times*, August 23, 1993.

<sup>38</sup>Peter H. Stone, "From the K Street Corridor," *National Journal*, February 27, 1993.

<sup>39</sup>Telephone interview with Carroll Hubbard by Julian Nadel, Public Citizen, July 13, 1993.

job with the Beer Institute, the trade association representing the beer industry. The Beer Institute opposes alcohol taxes, an idea being floated as a means to help pay for national health care reform. Such a tax would have to go through the House Ways and Means Committee -- on which McGrath served as a Member of Congress. Early in the year, McGrath paid \$6000 to attend a Republican issues conference put on for Congress by lobbying groups. When questioned about his attendance by the *Washington Post*, McGrath stated that he was at the conference to gather information but not to dispense it, and therefore was not lobbying.



## HOUSE OF REPRESENTATIVES

NAME	NEW JOB	JOB TYPE <sup>1</sup>
Bill Alexander, D-AR	McAuliffe Kelly & Rafaelli*	LW
George F. Allen, R-VA	running for governor in Virginia	PL
Glenn M. Anderson, D-CA	Glenn M. Anderson Enterprises, personal property management firm	CP
Frank Annunzio, D-IL	Illinois International Port District Board	GV
Beryl Anthony, D-AR	Winston & Strawn*	LB
Les Aspin, D-WI	Secretary of Defense	GV
Chester G. Atkins, D-MA	ADS Ventures	CP
Les AuCoin, D-OR	Bogle & Gates*	LB
Doug Barnard, Jr., D-GA	Retired	RT
Charles E. Bennett, D-FL	Jacksonville University, University of Florida, University of North Florida, Edward Winters College	AC
William S. Broomfield, R-MI	Retired	RT
Terry Bruce (D-IL)	Ameritech	CP
Albert J. Bustamante, D-TX	under indictment	OT
Beverly B. Byron, D-MD	Commission on Defense Base Closing and Realignment	GV
Tom J. Campbell, R-CA	Stanford University	AC
Rod Chandler, R-WA	Columbia Resource Group, vice president <sup>2</sup>	CP
Tom Coleman, R-MO	Sallie Mae; recently left consulting job for the Student Loan Marketing Association <sup>3</sup>	LB
Lawrence Coughlin, R-PA	Eckert Seamans Cherin & Mellot*	LB
John W. Cox, Jr., D-IL	Cox Law Offices	LW
William Dannemeyer, R-CA	may seek Dianne Feinstein's seat in 1994 <sup>4</sup>	OT
Robert W. Davis, R-MI	Bob Davis & Assoc. <sup>5</sup>	LB
Bill Dickinson, R-AL	William Dickinson & Assoc. <sup>6</sup>	CS
Brian Donnelly, D-MA	Wanted ambassador post to Ireland; other plans uncertain <sup>7</sup>	OT
Thomas J. Downey, D-NY	Thomas J. Downey & Assoc. <sup>8</sup> ; commentator on National Public Radio	OT
Bernard Dwyer, D-NJ	Retired	RT

Mervyn M. Dymally, D-CA	Dymally International Group	LB
Joseph D. Early, D-MA	plans uncertain	OT
Dennis E. Eckart, D-OH	Winston & Strawn*	LB
Mickey Edwards, R-OK	Kennedy School, Harvard; Woodrow Wilson Institute	AC
Ben Erdreich, D-AL	Merit Systems Protection Board	GV
Mike Espy, D-MS	Secretary of Agriculture	GV
Dante B. Fascell, D-FL	Fine Jacobson Schwartz Nash & Block	LW
Edward F. Feighan, D-OH	Climaco Climaco Seminatore Lefkowitz & Garofoli	LW
Joseph M. Gaydos, D-PA	Gaydos Gaydos & Assoc.	LW
Bill (Willis D.) Gradison, R-OH	Health Insurance Association of America*	LB
Bill Green, R-NY	General American Investors Co.	CP
Frank J. Guarini, D-NJ	Guarini & Guarini	LW
John Paul Hammerschmidt, R-AR	Northwest Arkansas Council <sup>9</sup>	OT
Claude Harris, D-AL	Harris Shields Barswell & Gunter	LW
Charles Hatcher, D-GA	was under consideration for agriculture post. <sup>10</sup>	OT
Charles A. Hayes, D-IL	'will remain active in labor, civil rights, health, and economic issues' <sup>11</sup>	OT
Dennis M. Hertel, D-MI	Hertel & Associates <sup>12</sup>	LB
Clyde C. Holloway, D-LA	Holloway's Nursery	CP
Larry J. Hopkins, R-KY	Tobacco Division Director, Department of Agriculture	GV
Joan Kelly Horn, D-MO	120-day appointment w/ pentagon defense conversion	GV
Frank Horton, R-NY	Venable Baejter Howard & Civiletti*	LW
Carroll Hubbard, Jr., D-KY	Independent Bankers Association*	LB
Jerry Huckaby, D-LA	recently left the Jefferson Group*	LB
Andy Ireland, R-FL	recently left the Jefferson Group*	LB
Craig T. James, R-FL	James Zimmerman & Paul	LW
Ed Jenkins, D-GA	Winburn & Jenkins*	LB
Ben Jones, D-GA	working on three television shows <sup>13</sup>	MD
Jim Jontz, D-IN	Citizens Trade Campaign	AD
Joe Kolter, D-PA	under investigation for misuse of vouchers written for postage stamps <sup>14</sup>	OT

Peter H. Kostmayer, D-PA	Environmental & Energy Study Institute; wants mid-atlantic EPA regional administrator position	AD
Robert J. Lagomarsino, R-CA	Board of Directors: American Commercial Bank in Ventura, CA; CA Commercial Space Port Inc.	CP
William Lehman, D-FL	Metro Dade Transit Agency	GV
Norman F. Lent, R-NY	Lent & Scrivner*	LB
Mel Levine, D-CA	Gibson, Dunn & Crutcher <sup>15*</sup>	LW
Bill Lowery, R-CA	Copeland Hatfield & Lowery*	LB
Charles Luken, D-OH	WLWT-TV, Cincinnati	MD
Ron Marlenee, R-MT	North Capital Consulting Group	CS
David O'B. Martin, R-NY	left position with Rep. McHugh, his successor on the Hill	OT
Nicholas Mavroules, D-MA	sentenced to 15 months in prison after pleading guilty to 15 corruption charges, including failing to report all of his income and accepting gratuities <sup>16</sup>	OT
Bob McEwen, R-OH	may run for Congress <sup>17</sup>	OT
Raymond J. McGrath, R-NY	Beer Institute*	LB
Matthew F. McHugh, D-NY	World Bank	CP
Tom McMillen, D-MD	Clinicorp; Verner Lippfert Bernhard McPherson & Hand*; President's Council on Physical Fitness & Sports	CP/LW/ GV
John Miller, R-WA	The Discovery Institute, senior fellow <sup>18</sup>	AD
Clarence E. Miller, R-OH	plans uncertain <sup>19</sup>	OT
Jim Moody, D-WI	Medical College of Wisconsin; Kennedy School of Government	AC
Sid Morrison, R-WA	Washington State Transportation Department, secretary <sup>20</sup>	GV
Robert J. Mrazek, D-NY	plans uncertain <sup>21</sup>	OT
Dave Nagle, D-IA	Dave Nagle Law Offices	LW
Dick Nichols, R-KS	Home State Bank and Trust	CP
Henry J. Nowak, D-NY	Board of Directors; Marine Midland Bank	CP
Mary Rose Oakar, D-OH	Oakar & Associates <sup>22</sup>	CS
Jim Olin, D-VA	Garth Newel Music Center, fundraising	OT
Wayne Owens, D-UT	attorney practicing law in Washington, DC & Salt Lake City	LW
Leon Panetta, D-CA	director, Office of Management and Budget	GV

Liz J. Patterson, D-SC	homemaker	OT
Don J. Pease, D-OH	Oberlin College	AC
Carl C. Perkins, D-KY	Unknown	OT
Carl Pursell, R-MI	Board of Trustees & Board of Regents Faculty Affairs Comm., Eastern Michigan University	AC
Richard Ray, D-GA	consultant to several agribusinesses <sup>23</sup>	LB
John J. Rhodes III, R-AZ	plans uncertain <sup>24</sup>	OT
Frank Riggs, R-CA	Learning Tools Inc.	CP
Matthew J. Rinaldo, R-NJ	Rutgers University Graduate School of Management, part-time lecturer <sup>25</sup>	AC
Don Ritter, R-PA	plans uncertain <sup>26</sup>	OT
Robert A. Roe, D-NJ	Robert A. Roe Assoc. <sup>27</sup>	CS
Edward R. Roybal, D-CA	retired; consultant to Ed Roybal Institute on Applied Gerontology (consultant, California State University)	RT
Marty Russo, D-IL	Cassidy & Assoc.*	LB
Gus Savage, D-IL	appearing on Chicago TV and radio <sup>28</sup>	MD
James H. Scheuer, D-NY	Scheuer Family Foundation	TH
Dick Schulze, R-PA	Valis Assoc.*	LB
Gerry Sikorski, D-MN	Opperman Heins & Paquin*	LB
Lawrence J. Smith, D-FL	sentenced to three months in federal prison for tax evasion and for filing a false campaign report. <sup>29</sup>	MD
Stephen J. Solarz, D-NY	Center for Strategy and International Studies	TH
Richard Stallings, D-ID	pursuing a teaching career in Idaho	AC
Harley O. Staggars, Jr., D-WV	Staggars Staggars & Webb	LW
Robin Tallon, D-SC	The Tobacco Institute*	LB
Lindsay Thomas, D-GA	Atlanta Committee for the Olympic Games	NP
Bob Traxler, D-MI	Michigan State Board of Trustees	NP
Guy Vander Jagt, R-MI	Baker & Hostetler*	LW
Vin Weber, R-MN	The Weber Group, Empower America, National Public Radio commentary	CS/AD/ MD
Howard Wolpe, D-MI	West Michigan University, running for governor	AC/PL
Chalmers P. Wylie, R-OH	Emens Kegler Brown Hill & Ritter	LW
Gus Yatron, D-PA	Retired	RT

\* Starred firms either have lobbying practices according to disclosure forms filed with the government under the Federal Regulation of Lobbying Act (FRLA), or are listed as lobbying firms in *The Directory of Washington Lobbyists Lawyers and Interest Groups: Summer 1993*, a reference book published by Amward Publications, Inc., Rockville, MD. The *Directory* defines a lobbyist as "any person whose compensated duties include representing an employer's or client's views to the federal government. This definition includes, but is not limited to, the presentation of oral or written information in response to inquiries that originate in Congress or the Executive Branch; the provision of written or oral testimony to a congressional committee; or, the submission of written or oral comments in a rulemaking procedure." This definition of lobbying is broader than that under the FRLA, which is generally interpreted to include direct contact with Members of Congress.

1. Codes for "TYPE" are as follows:

AC = ACADEMIA  
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CP = CORPORATION  
CS = CONSULTING  
GV = GOVERNMENT  
LB = LOBBYING, TRADE ASSOCIATION  
LW = LAWYER  
MD = MEDIA  
NP = NONPROFIT  
OT = OTHER  
PL = POLITICS  
PR = PUBLIC RELATIONS  
RT = RETIRED  
TH = THINK TANK, FOUNDATION

2. "Where Are they Now?" *Washington Post*, June 14, 1993. All further references to this article will be abbreviated as "WP."

3. Coleman recently left his consulting job for the president's office at Sallie Mae. The office had no forwarding number.

4. WP

5. Confirmed to be a lobbying firm in telephone conversation with Michael Birnbaum, Public Citizen, September 1, 1993.

6. Dynally International Group is a trade and investment corporation.

7. "Former Members: Where Are They Now?" *Roll Call*, February 1, 1993, p.12.

8. "Former Members of Congress: Where Are They Now?" *Congress Daily*, April 21, 1993. All further references to this article will be abbreviated as "CD." Attempts to contact Thomas Downey were unsuccessful; therefore, Public Citizen could not determine what sort of firm Thomas J. Downey & Assoc. is.

9. WP

10. CD

11. CD

12. CD; confirmed to be a firm that does "a number of different things," including lobbying, in telephone conversation with Michael Birnbaum, Public Citizen, September 1, 1993.

13. CD

14. Kenneth J. Cooper, "Former Postmaster for House Pleads Guilty in Scandal," *Washington Post*, July 20, 1993.

15. WP

16. Associated Press, "Ex-Congressmen to go to Prison," *New York Times*, August 3, 1993; Telephone conversation between Michael Birnbaum, Public Citizen, and Kathleen Griffin, U.S. Attorney's Office, Boston, September 1, 1993.

17. CD

18. WP

19. WP

20. WP

21. WP

22. In a telephone conversation with Michael Birnbaum, Public Citizen, on September 1, 1993, staff said Oskar & Assoc. is a consulting firm. They would not say if they did lobbying or not. There are no lawyers on staff.

23. CD

24. CD

25. WP

26. WP

27 In a telephone conversation with Michael Birnbaum, Public Citizen, on September 1, 1993, staff said that this firm is a consulting group that represents environment and transportation clients. Staff said Roe "can't lobby until January."

28 WP

29 Associated Press, "Ex-Congressman to go to Prison," *New York Times*, August 3, 1993; docket room clerk, Florida Federal Court.



## The Senate

Out of 12 retired or defeated senators from the 102nd Congress, one is doing some lobbying work, 4 are working for law firms, one retired, one is doing consulting, 3 went into government work, and one is doing advocacy work. One went to work for a corporation.

- **Bob Kasten** (R-WI) is doing a number of activities, including working at the Legal Studies Institute and starting his own consulting company, Kasten & Co.

- **Steve Symms** (R-ID), also started his own "government relations firm," Symms Lane & Assoc.

- New law firm members are **Alan J. Dixon** (D-IL), at Bryan Cave; **Wyche Fowler** (D-GA) at Powell Goldstein Fraser & Murphy; **Warren B. Rudman**, at Paul Weiss Rifkind (Rudman is also working for the Concord Coalition, a nonprofit group he started with former senator Paul Tsongas); and **Terry Sanford** (D-NC), for the McNair & Sanford Law Firm.

- Former Senator **Jake Garn** (R-UT) took a job as vice chairman of Huntsman Chemical Corporation. Garn was no stranger to the company -- in 1991-1992, he accepted two trips from the chemical company. In June 1991, Garn and his wife traveled to Armenia at the expense of Huntsman Chemical, which also paid for food and lodging. In October 1991, Garn accepted another trip from Huntsman and the Chemical Manufacturers Association, this time to New York City. While in the Senate, Garn served on the Energy and Natural Resources Committee, which had jurisdiction over issues affecting Huntsman.

## SENATE

NAME	NEW JOB	JOB TYPE <sup>1</sup>
Brock Adams, D-WA	Retired	RT
Lloyd Bentsen, D-TX	Secretary of the Treasury	GV
Alan Cranston, D-CA	several foundations/think tanks	TH
Alan J. Dixon, D-IL	Bryan Cave*	LW
Wyche Fowler, D-GA	Powell Goldstein Fraser & Murphy*; Senate Deputy to Federal Elections Commission	LW
Jake Garn, R-UT	Huntsman Chemical Corp.	CP
Bob Kasten, R-WI	Kasten & Company; Legal Studies Institute	CS/TH
Warren B. Rudman, R-NH	Paul Weiss Rifkind; The Concord Coalition	LW/AD
Terry Sanford, D-NC	McNair & Sanford Law Firm*	LW
John Seymour, D-CA	California Housing Finance Agency	GV
Steve Symms, R-ID	Symms Lane & Assoc. <sup>2</sup>	LB
Tim Wirth, D-CO	State Department	GV

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 MD - MEDIA  
 NP - NONPROFIT  
 OT - OTHER  
 PL - POLITICS  
 PR - PUBLIC RELATIONS  
 RT - RETIRED  
 TH - THINK TANK, FOUNDATION

2. Symms, Lane & Assoc. is not registered under the Federal Regulation of Lobbying Act. The firm bills itself, however, as a "government relations" firm.

### Congressional/staffer teams

Rep. **Ed Jenkins** (D-GA) and Rep. **Norman Lent** (R-NY) both formed new consulting firms with members of their staff. The advantages of teaming up with an ex-staffer are obvious: not only are staffers often as well connected politically as their bosses, and most likely better versed in policy intricacies, but their post-employment restrictions are less stringent. A personal staffer for a Member of Congress is restricted only from lobbying his or her former boss for a year. That restriction becomes moot when the boss is no longer a Member of Congress. A staffer for a committee is prohibited from lobbying his or her former committee, but may contact anyone else in Congress.

• Rep. **Norman Lent** teamed up with his former administrative assistant, **Michael Scrivner**, to open a new firm, Lent & Scrivner. While in Congress, Lent served as ranking Republican on the House Energy and Commerce Committee, which has oversight over a broad range of industries. Staying true to the one-year ban on lobbying, Lent has not registered as a lobbyist. Scrivner, however, has busily reported a number of clients on lobbying disclosure forms: lobbying on securities legislation for Bernard L. Madoff Investment Securities; lobbying on the Petroleum Marketing Practices Act for Mobil Corp.; lobbying on natural gas issues and other legislation affecting independent power producers for the J. Makowski Co.; lobbying on telecommunications for the MFJ Task Force, a coalition of the Regional Bell Operators and for the RBOC-GAPC Task Force; lobbying on health care and pharmaceutical issues for Pfizer, Inc.; and lobbying on energy issues for Iroquois Gas Transmission Systems. Each of these companies has business before the Energy and Commerce Committee.

• Former Rep. **Ed Jenkins**, who served on the House Ways and Means Committee, formed a new firm, Winburn & Jenkins, with a Ways and Means staffer, **John P. Winburn**. The new firm is concentrating on tax consulting -- not surprising, given that all new tax laws must go through the House Ways and

Means Committee.<sup>40</sup> Among the firm's lobbying clients are the American Insurance Association, the American Paper Institute, Delta Air Lines Inc., Pennzoil Co., Pfizer Inc., and the Philip Morris Cos.

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<sup>40</sup>*National Journal*, January 9, 1993.

### III. CONGRESSIONAL STAFFERS

Perhaps even more than ex-Members of Congress, a popular career choice for Congressional staffers after Capitol Hill is one of Washington's trade associations or lobbying firms. At least 48 staffers from the 102nd Congress joined trade associations, lobbying firms, or lobbying arms of corporations over the last year, from the Soft Drink Association to the American Trucking Association to Major League Baseball. They are often unabashed about drawing on old contacts in their new jobs.

•**Dennis McGrann** served as chief of staff for former Rep. Gerry Sikorski (D-MN) for ten years. After Sikorski lost his bid for reelection, McGrann went to work for the consulting firm Ryan•McGinn, which represents clients ranging from the Independent Oil & Gas Association to numerous health care clients, including Manor Care, First Hospital Corp., and the American Medical Record Association. In April, McGrann sent out a letter to former work acquaintances, in which he wrote: "Serving in the House for the past decade has been a stimulating and rewarding professional experience...I am looking forward to the new challenges and opportunities of the public relations industry. ..I look forward to our continued friendship." Such letters are typical for drumming up business. The firm also sent out formal announcements of its new hires, which also include **Diana Gourlay**, who worked on the Senate Appropriations Committee. The announcement stresses McGrann's and Gourlay's experience in specific issue areas; for example, "Gourlay's experience and knowledge of the congressional appropriations and budgetary processes will enable her to give expert advice and counsel on federal funding opportunities to Ryan•McGinn's clients."

•**Era Eugene Callahan** served as chief of staff to Sen. Alan Dixon (D-IL) before the senator's defeat for reelection. Callahan found new work with Major League Baseball, the trade association representing professional baseball, for which he is



lobbying on "issues affecting professional baseball, including antitrust legislation." Legislation affecting baseball's antitrust exemption is currently pending before Congress. Lobby disclosure forms filed by Callahan show that he has used the most obvious tool available to him -- trips to Baltimore to see the Baltimore Orioles play -- to help "educate" Members of Congress. On May 11 and June 23 he took Rep. Bill Richardson (D-NM) and a guest to see a game. On May 21, the guest was Rep. David Mann (D-OH) and his wife. On July 27, the guest was Sen. Paul Simon (D-IL) and his wife. The disclosure reforms show charges for meals on the same dates and for mileage to and from Baltimore. Of note is that Rep. Mann and Sen. Simon serve on the House Judiciary and Senate Judiciary Committees, respectively -- committees that have jurisdiction over antitrust legislation.

•**Robert Leonard**, chief counsel and staff director for the Ways and Means Committee, left Capitol Hill to form a new consulting group with Thomas Ryan, a former aide to the House Energy and Commerce Committee chaired by Rep. John Dingell (D-MI) and William C. Oldaker, a partner with Manatt, Phelps & Phillips. The new firm, Oldaker, Ryan & Leonard, has already signed up numerous clients with interest in various Ways and Means issues; for example, the Alliance for Managed Competition, whose members include the five largest health insurers: Aetna Life & Casualty Co., CIGNA Corp., MetLife, Prudential Insurance Co. of America and Travelers Corp. Other clients include Phillip Morris Cos. Inc., Pfizer Inc., and the National Cable Television Association.<sup>41</sup>

•**Barbara Timmer**, who worked as general counsel on the House Banking, Finance and Urban Affairs Committee, joined the ITT Corporation to work as the director of government affairs. She registered to lobby on "corporate governance, financial services and hotel industry issues."

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<sup>41</sup>Viveca Novak, "From the K Street Corridor," *National Journal*, April 17, 1993, p. 933.

•The National Multi Housing Association hired two Congressional staffers -- **James N. Arbury**, a senior policy advisor to Sen. Donald Riegle (D-MI), and **Regina M. (Jeanne) Gorman**, who had worked on the House Committee on Science Space and Technology. Both filed lobbying disclosure forms stating they would be doing some lobbying on "legislation affecting the development of rental apartments and condominiums."

•Some other staffers who left Capitol Hill for lobbying jobs include: **James H. Rowe, III**, who worked as counsel to the House Judiciary Committee and joined the National Broadcasting Company as vice president; **Louise Hilsen**, who was chief of staff for Rep. Eckart, and took a job with Nestle USA as director of federal government relations; and **John Orlando**, who was chief of staff at the House Energy and Commerce Committee and now works with the lobbying firm Timmons & Company.

## HOUSE OF REPRESENTATIVES STAFF

NAME	FORMER POSITION	NEW JOB	JOB TYPE <sup>1</sup>
Steve Ahnen	legislative assistant (issues included health and human services), Rep. Jan Meyers (R-KS)	American Hospital Association*	LB
Michael F. Barrett	chief counsel, Oversight & Investigations Subcommittee of House Energy & Commerce Committee	Bayless, Boland, Madigan & Barrett, Inc.*	LB
Karen E. Beimdiek	deputy press secretary, Office of the Majority Leader (Rep. Richard Gephardt (D-MO))	Discovery Networks, owned & operated by Discovery Communications, Inc.	CP
John J. Brady, Jr.	chief of staff, House Foreign Affairs Committee	Capitoline International Group*	LB
Bonnie L. Brown	legislative assistant, Rep. Bill Gradison (R-OH)	Health Insurance Association of America*	LB
Herbert Brown	chief counsel & staff director, House Subcommittee on Telecommunications & Finance, Committee on Energy & Commerce	Kirkpatrick & Lockhart*	LW
Bradley J. Cameron	legislative director, issues included labor; Rep. Steven Gunderson (R-WI)	McGuiness & Williams*; labor policy associate, consulting arm of the firm	LB
Carol Cayo	senior legislative assistant, domestic issues; Rep. Gary Ackerman (D-NY)	Information Technology Association*	LB
Steven M. Champlin	executive director, House Democratic Caucus	The Duberstein Group*	LB
Arne L. Christenson	administrative assistant, Rep. Vin Weber (R-MN)	American Israel Public Affairs Committee (AIPAC)*	LB
Michael J. Connolly	press secretary, Rep. Edward Markey (D-MA)	Edelman Public Relations Worldwide	PR
Kristen Cusick	legislative assistant, Rep. Raymond McGrath (R-NY)	Davidson Colling Group*	LB

Sean G. D'Arcy	legislative assistant, Rep. Don Pease (D-OH)	Akin Gump Strauss Hauer & Feld*	LW
Cathy A. Evans	special projects assistant, issues included public works, transportation; Rep. Henry J. Nowak (D-NY)	American Trucking Association*	LB
Tara Federici	administrative assistant, "point person on health care," Rep. Bill Richardson (D-NM)	Health Industry Manufacturers Association*	LB
Thomas M. Gann	chief of staff, Rep. Tom J. Campbell (R-CA)	Sun Microsystems Inc.	LB
Christopher P. Goebel	minority counsel, Investigations & Oversight Subcommittee, House Committee on Public Works & Transportation	National Association of Chemical Recyclers*	LB
Stephen D. Goose	legislative assistant to Rep. Robert Mrazek (D-NY)	Human Rights Watch*, Director Arms Project	AD
Regina M. (Jeanne) Gorman	scientific consultant, Environment Subcommittee, House Committee on Science, Space & Technology	National Multi Housing Association*	LB
John W. Griffen	legislative director, Rep. Sander Levin (D-MI)	G7 Group	CS
Louise Hilsen	administrative assistant, Rep. Dennis Eckart (D-OH)	Nestle USA Inc.*	CP
Michael C. Jones	legislative director, Rep. Doug Barnard (D-GA)	G7 Group	CS
David Keaney	counsel for the majority, House Energy & Commerce Committee	Bristol Myers Squibb Company*	LB
Robert J. Leonard	chief counsel, staff director, House Ways & Means Committee	Oldaker Ryan & Leonard*	LB
James E. Lewin	chief investigator, House Judiciary Committee	Sprint Corp.	LB
Theodore Mastroianni	administrative aide, chief of staff; Rep. Marcy Kaptur (D-OH)	Palumbo & Cerrell, Inc.*	LB

Dennis McGrann	chief of staff, Rep. Gerry Sikorski (D-MN)	Ryan • McGinn Inc.*	LB
John Orlando	chief of staff, majority, House Energy & Commerce Committee	Timmons & Company*	LB
Robert V. Oswald	legislative assistant, Rep. Bill Gradison (R- OH)	Health Insurance Association of America*	LB
Curtis A. Prins	staff director, Subcommittee on Financial Institutions, Supervision, Regulation & Insurance; House Committee on Banking, Finance & Urban Affairs	Muldoon Murphy & Faucette*	LW
Steven R. Ross	general counsel to the clerk, Office of the Clerk, House of Representatives	Akin Gump Strauss Hauer & Feld*	LW
James H. Rowe	counsel, Subcommittee on Crime & Criminal Justice, House Judiciary Committee	National Broadcasting Company*	LB
Mark H. Ruge	administrative assistant, Rep. Robert Davis (R-MI)	Preston Gates Ellis Rouvelas & Meeds*	LW
Michael S. Scrivner	administrative assistant, Rep. Norman Lent (R-NY)	Lent & Scrivner*	LB
Mike Sheinfield	legislative assistant, House Ways & Means Committee	Davidson Colling Group*	LB
Eron Shosteck	press secretary, Rep. Dennis Hastert (R-IL)	Highway Users Federation*	LB
Donald Terry	staff director, House Small Business Committee	Inter American Development Bank	CP
Barbara Timmer	general counsel, House Banking Finance & Urban Affairs Committee	ITT Corp., director of government affairs	LB
Margaret Totten	administrative assistant, Rep. Bill Gradison (R-OH)	Health Insurance Association of America*	LB
Thomas E. Wanley	legislative director, Rep. Philip Sharp (D- IN)	Telocator--the personal communications industry association*	LB
Alan P. Zepp	legislative assistant, Rep. Jim Moody (D- WI)	National Cooperative Business Association*	LB

\* Starred firms either have lobbying practices according to disclosure forms filed with the government under the Federal Regulation of Lobbying Act (FRLA), or are listed as lobbying firms in *The Directory of Washington Lobbyists Lawyers and Interest Groups: Summer 1993*, a reference book published by Annward Publications, Inc., Rockville, MD. *The Directory* defines a lobbyist as "any person whose compensated duties include representing an employer's or client's views to the federal government. This definition includes, but is not limited to, the presentation of oral or written information in response to inquiries that originate in Congress or the Executive Branch; the provision of written or oral testimony to a congressional committee; or, the submission of written or oral comments in a rulemaking procedure." This definition of lobbying is broader than that under the FRLA, which is generally interpreted to include direct contact with Members of Congress.

1. codes for "TYPE" are as follows:

AC - ACADEMIA  
 AD - ADVOCACY  
 CP - CORPORATION  
 CS - CONSULTING  
 GV - GOVERNMENT  
 LB - LOBBYING, TRADE ASSOCIATION  
 LW - LAW FIRM  
 MD - MEDIA  
 NP - NONPROFIT  
 OT - OTHER  
 PL - POLITICS  
 PR - PUBLIC RELATIONS  
 RT - RETIRED  
 TH - THINK TANK/FOUNDATION

2. *National Journal*, February 6, 1993.



## SENATE STAFF

NAME	FORMER POSITION	NEW JOB	JOB TYPE <sup>1</sup>
James N. Arbury	senior policy advisor to Sen. Donald Riegle (D-MI)	National Multi Housing Association*	LB
Taylor R. Bowlden	legislative director, Sen. Steve Symms (R-ID)	Highway Users Federation*	LB
Era Eugene Callahan	Chief of Staff, Sen. Alan Dixon (D-IL)	Major League Baseball*	LB
Cesar V. Conda	minority staff director, Senate Small Business Committee	Alexis De Toxqueville Institution	TH
Ranny Cooper	administrative assistant, Sen. Ted Kennedy (D-MA)	Robinson Lake/Sawyer Miller Group*	LB
Jack DeVore, Jr.	press aide, Sen. Lloyd Bentsen	Public Strategies Inc.	PR
Susan Eckerly	legislative director, Sen. Bob Kasten (R-WI)	Heritage Foundation*	TH
Diana Gourlay	professional staff member, Senate Appropriations Committee	Ryan • McGinn Inc.*	LB
Janis Guerney	health counsel, Senate Finance Committee	American Academy of Pediatrics*	LB
Wallace J. Henderson	Chief of Staff, Sen. John Breaux (D-LA)	Cellular Telecommunications Industry Association*	LB
Julius W. Hobson, Jr.	legislative assistant, budget & taxes, Sen. Chuck Robb (D-VA)	American Medical Association*	LB

Thomas Keefe, Jr.	special counsel, Sen. Brock Adams (D-WA)	Gold & Liebengood*	LB
Ronald Platt	aide, Sen. Lloyd Bentsen (D-TX)	McDermott Will & Emery*	LB
Jim McMillan	counsel, Office of the Minority Leader of the Senate, Sen. Bob Dole (R-KS)	Hogan & Hartson*	LW
Vanda B. McMurtry	staff director & chief counsel, Senate Finance Committee	Aetna Life & Casualty*	LB
Garth Neuffer	senior media advisor, Senate Democratic Policy Committee	Burson Marsteller*	LB
Carolyn Osolinik	chief counsel, Immigration and Refugee Affairs Subcommittee, Senate Judiciary Committee	Mayer Brown & Platt*	LW
Thomas C. Polgar	legislative director, Sen. Warren Rudman (R-NH)	Paramount Communications Inc.*	LB
Jack Ramirez	chief of staff, Sen. Conrad Burns (R- MT)	National Association of Independent Insurers*	LB
Pamela Rucker	press assistant, Office of the Minority Leader of the Senate (Sen. Bob Dole (R-KS))	National Retail Federation*	LB
Paul Savary	legislative assistant, Sen. Charles E. Grassley (R-IA)	National Association of Truck Stop Operators*	LB
Scott Schell	special counsel, Senate Judiciary Committee	The Wexler Group*	LB
Gary Slaiman	counsel, Antitrust, Monopolies & Business Rights Subcommittee, Senate Judiciary Committee	Swidler & Berlin*	LB
Leslie Tucker	health aide, Sen. Alan Simpson, R- WY	American Academy of Family Physicians*	LB

Patricia Maggee  
Vaughan

antitrust counsel  
for the minority,  
Senate Judiciary  
Committee

Soft Drink Association

LB

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MD - MEDIA  
NP - NONPROFIT  
OT - OTHER  
PL - POLITICS  
PR - PUBLIC RELATIONS  
RT - RETIRED  
TH - THINK TANK, FOUNDATION

#### IV. EXECUTIVE BRANCH OFFICIALS

Of the former executive branch officials listed in this report, 29 are doing lobbying work, 49 are at law firms, and 11 are working for consulting groups.

- **Carla Hills**, who served as U.S. Trade Representative under President Bush, is wearing a number of hats. She founded a new consulting company, Hills & Co., is affiliated with Shea & Gould, a law firm, and sits on several corporate boards: American International Group, AT&T, Chevron, Time Warner, and United Airlines.

- **Alfred Sikes**, former chairman of the Federal Communications Commission, joined Hearst Corporation as vice president of new media and technology. Sikes was hired to work on integrating the company's journalistic resources with new computer, satellite, telephone and other technologies. "This job is a business job. It is not to be the Washington representative for Hearst," Sikes told the *New York Times* when he was hired, apparently to hedge any suggestion that he will lobby for the company.<sup>42</sup>

- While **Gerald Riso** worked as deputy assistant secretary for student financial assistance at the Department of Education, he reversed a department decision to end financial aid availability for Phillips College, Inc., a for-profit trade school with high student loan default rates. On Dec. 1, 1992, he received a job offer from Phillips College, which he accepted.<sup>43</sup> Rep. Bart Gordon (D-TN) called for an investigation by the Department of Education Inspector General and the General Accounting Office (GAO). To date, the inspector general's office has found no

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<sup>42</sup>Kenneth N. Gilpin, "Former F.C.C. Chief Joining Hearst," *New York Times*, March 16, 1993.

<sup>43</sup>Stephen Barr, "Probe Asked in Hiring of Education Ex-Aide: Decisions Involving Trade School Chain Cited," *Washington Post*, December 21, 1992.

violation of existing law; a report from the GAO on the general problem of revolving door is forthcoming.”

•**Don R. Clay**, who worked as assistant administrator for solid waste and emergency response for the Environmental Protection Agency from 1989 to 1993, formed a new consulting firm. Clay brought staffers with him: **C. Bowdoin Train**, who worked as deputy assistant administrator for solid waste and emergency response, and **Marianne M. Lamont**, Clay’s former special assistant at EPA. Clay announced that the new firm would concentrate on reform of the Resource Conservation and Recovery Act (RCRA).

•**Nicholas Calio**, the congressional liaison for President Bush, formed a new firm with a Democrat, Lawrence F. O’Brien III. Calio brought with him two White House staffers: **Linda Tarplin** and **Kirsten Ardleigh**. Lobbying clients include the Federal National Mortgage Association and Morgan Stanley & Co. Inc. Current revolving door restrictions would not prevent any of these three former White House staffers from lobbying Congress.

#### **Teaming up congressional staffers and administration officials**

Just as some lobbying firms seemed to draw a mix of ex-Members of Congress and staffers, one firm searched the ranks of Capitol Hill staffers and executive branch officials alike. The G7 Group, an economic consulting group, hired five ex-government officials. **Todd G. Buchholz**, who was associate director for economic policy for the White House, is the Group’s president; **Timothy Adams**, who worked as deputy associate director of policy development for the White House is director of international affairs; **Jonathan Symonds**, a special assistant for

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“Telephone conversation, Nancy Watzman with Steve Rogers, aide to Rep. Bart Gordon (D-TN), August 22, 1993.

legislative affairs at the State Department became a policy analyst for the group; **John W. Griffen**, legislative director for Rep. Sander Levin (D-MI), is director of domestic affairs, and **Michael C. Jones**, legislative director for Doug Barnard (D-GA), is now a policy analyst for the Group.



## EXECUTIVE BRANCH OFFICIALS

NAME	FORMER POSITION	NEW JOB	JOB TYPE <sup>1</sup>
Timothy D. Adams	deputy associate director for policy development, White House	G7 Group	CS
Martin Allday	chair, Federal Energy Regulatory Commission	Scott, Douglas & Luton	LW
Gary J. Andres	deputy assistant to the President for legislative affairs	Dutko & Assoc.*	LB
Jean "Jan" Archibald	general counsel, Treasury Department	Hogan & Hartson*	LW
Kirsten Ardleigh	assistant to Nicholas Calio, White House	O'Brien • Calio*	LB
T.S. Ary	director, Bureau of Mines	Senate Energy Committee	GV
Michael J. Astrue	general counsel, Department of Health & Human Services	Biogen Inc.	CP
Jennifer L. Blanck	public and government affairs assistant, Department of Defense	The Borden Group*	LB
Robert E. Bloch	chief of the professional and intellectual property division, Department of Justice	Mayer Brown & Platt*	LW
Michael J. Boskin	chairman, Council of Economic Advisors	American Enterprise Institute	TH
Richard Breeden	chairman, Securities & Exchange Commission	Coopers & Lybrand*	CP
James A. Bruton	acting assistant attorney general for tax matters Department of Justice	Williams & Connolly*	LW
Dr. Barbara Everitt Bryant	director, Bureau of the Census	University of Michigan, National Quality Research Center, School of Business Administration	AC

Todd G. Buchholz	associate director for economic policy, White House	G7 Group	CS
Wayne A. Budd	associate attorney general, Department of Justice	Goodwyn, Procter & Hoar	LW
Nicholas Calio	congressional liaison, White House	O'Brien * Calio*	LB
Paul Capuccio	associate deputy attorney general, Department of Justice	Kirkland & Ellis*	LW
Elaine L. Chao	director, Peace Corps	United Way of America*	NP
Lynne Cheney	director, National Endowment for the Humanities	American Enterprise Institute	TH
David Chu	assistant defense secretary for program analysis & evaluation	RAND	TH
Don R. Clay	Office of Solid Waste & Emergency Response, Environmental Protection Agency	Don R. Clay Associates, Inc.	LB
Jill Collins	public affairs director, National Endowment for the Arts	Jill Collins Public Relations/Hayward International	PR
Barry J. Cutler	Federal Trade Commission, consumer protection director	McCutchen Doyle Brown & Enerson*	LW
Richard G. Darman	director, Office of Management & Budget	The Carlyle Group	CP
Alfred A. Dellibovi	Department of Housing & Urban Development	Federal Home Loan Bank of New York	CP
Patricia Diaz Dennis	member, Federal Communications Commission	Sullivan & Cromwell*	LW
Jay A. Diskey	special assistant to Lamar Alexander, Secretary of Education	Hager Sharp*	LB
James Doty	general counsel, Securities & Exchange Commission	Baker & Botts*	LW

John C. Dugan	assistant secretary, Department of the Treasury	Covington & Burling*	LB <sup>2</sup>
John Dunne	director, civil rights division, Department of Justice	Bayh Connaughton Fensterheim & Malone*	LW
D. Cameron Findlay	deputy assistant to President Bush	Sidley & Austin*	LW
Linda Fisher	assistant administrator, pollution prevention, pesticides, and toxics, Environmental Protection Agency	Latham & Watkins*	LW
Timothy E. Flanigan	assistant attorney general, Department of Justice	Jones Day Reavis & Pogue*	LW
Lawrence G. Flick	legislative affairs director, White House Council on Environmental Quality	Dubose & Flick Inc.*	LB
Mike Franc	Office of National Drug Control Policy	Heritage Foundation*, director, congressional relations	LB
James Gattuso	Quayle Competitiveness Council, Federal Communications Commission	Citizens for a Sound Economy*	AD
Polly Gault	chief of staff, Department of Energy	APCO Associates*	LB
Stuart Gerson	acting attorney general	Epstein Becker & Green*	LW
Fred T. Goldberg	assistant secretary tax policy, Department of the Treasury	Skadden Arps Slate Meagher & Flom*	LW
David Gompert	special assistant to the President for National Security Affairs	RAND	TH
C. Boyden Gray	general counsel, White House	Wilmer Cutler & Pickering*	LW
Arnold I. Havens	special assistant to the President for Legislative Affairs	Pagonis & Donnelly Group Inc.*	LB

J. Drew Hiatt	speechwriter, Department of Agriculture	National Business Owners Association Inc.*	LB
Carla Hills	U.S. Trade Representative	Hills & Co.; Shea & Gould; Boards: American International Group (insurance); AT&T, Chevron, Time Warner, United Airlines	CS/CP
Thomas C. Hockaday	assistant administrator for intergovernmental affairs, Small Business Association	APCO Associates*	LB
Rachel Hopp	office of enforcement, Environmental Protection Agency	Weinberg Bergson & Neuman*	LW
Frances Horner	Internal Revenue Service Commissioner	Covington & Burling*	LW
Susan B. Ironfield	special assistant, congressional & legislative affairs, U.S. Labor Department	The Borden Group*	LB
Charles James	acting assistant attorney general, anti-trust division, Department of Justice	Jones Day Reavis & Pogue*	LW
Kenneth I. Juster	deputy senior advisor, Department of State	Arnold & Porter*	LW
Arnold Kanter	undersecretary, political affairs, State Department	RAND	TH
Evan Kemp	Chair, Equal Employment Opportunity Commission	Evan Kemp Assoc. Inc.	CS
Peggy Harlow Knight	director, public liason, education, Environmental Protection Agency	Hellem Co.*	LB
Charles Kolb	deputy assistant to the President, domestic policy	United Way of America*	NP
William Kristol	chief of staff, vice president's office	Bradley Foundation for the 90's	TH

Robert M. Kruger	assistant U.S. attorney, Justice Department	director of litigation, The Business Software Alliance*	LW
Marianne M. Lamont	special assistant to Don R. Clay, Environmental Protection Agency	Don R. Clay Assoc. Inc.	LB
David C. Laughter	deputy administrator for management and policy support, Rural Electrification Administration	National Business Owners Association Inc.*	LB
Jay P. Lefkowitz	director of cabinet affairs, White House	Bradley Foundation for the 90's	TH
David J. Leitch	office of legal counsel, Department of Justice	Hogan & Hartson*	LW
Todd M. Malan	congressional affairs, Office of U.S. Trade Representative	European American Chamber of Commerce*	LB
Susan O. Mann	counsel to office of legislation and international affairs, Patent and Trademark Office	Griffin Johnson & Assoc.*	LB
Nancy H. Mason	undersecretary, Department of Commerce	US West Inc., executive director, congressional relations	LB
Walter McCormick, Jr.	Department of Transportation	Bryan Cave*	LW
Randall McFarlane	department of legislative affairs, Resolution Trust Corporation	Savings and Community Bankers of America*	LB
Paul McNulty	director of policy and communications, Department of Justice	Shaw Pittman Potts & Trowbridge*	LW
Robert Mueller III	chief of justice, criminal division, Department of Justice	Hale & Dorr*	LW
S. Ricardo Narvaiz	deputy assistant attorney general, Department of Justice	Alexander, Gebhardt, Aponte & Marks*	LW

Vicki A. O'Meara	acting assistant attorney general, environment & natural resources, Department of Justice	Jones Day Reavis & Pogue*	LW
Timothy J. O'Rourke	deputy assistant attorney general, Department of Justice	Dow Lohnes & Albertson*	LW
Clifford Oviatt, Jr.	member, National Labor Relations Board	McGuire, Woods, Battle & Boothe*	LW
Shirley Peterson	Internal Revenue Service Commissioner	Steptoe & Johnson*	LW
James P. Pinkerton	White House aide	John Locke Foundation	TH
Alan Charles Raul	general counsel, Department of Agriculture, Office of Management and Budget	Beveridge & Diamond*	LW
Lee C. Rawls	assistant attorney general, legislative affairs, Department of Justice	Baker Worthington Crossley Stansberry & Woolf*	LW
Carolyn Reid- Wallace	assistant secretary, post secondary education, Department of Education	Corporation for Public Broadcasting	NP
Paul Jackson Rice	chief counsel, National Highway Traffic Safety Administration	Arent Fox Kintner Plotkin & Kahn*	LW
Donald B. Rice	secretary, Department of the Air Force	Teledyne Industries Inc.*	CP
Susan Mathis Richard	public affairs, National Aeronautics and Space Administration	Telocator --the personal communications industry association*	LB
Gerald Riso	chief financial officer, Department of Housing and Urban Development	Phillips College Inc. (trade school)	CP
John Roberts, Jr.	principal deputy solicitor general, Department of Justice	Hogan & Hartson*	LW



John E. Robson	deputy secretary, Department of the Treasury	Heritage Foundation*	TH
Ronald W. Roskens	Administrator, Agency for International Development	Action International	AD
T. Timothy Ryan	director, Office of Thrift Supervision	J.P. Morgan Securities Inc.	CP
Patricia Saiki	Small Business Administration	Several corporate boards of directors, eyeing gubernatorial race in Hawaii	CP
Gerard F. Scannell	assistant secretary, Occupational Safety & Health Administration, Department of Labor	Johnson & Johnson*	CP
Marc Scheineson <sup>5</sup>	associate commissioner for legislative affairs, Food & Drug Administration	Ketchum Public Relations*	LB
John P. Schmitz	deputy counsel, White House	Mayer Brown & Platt*	LW
Howard H. Shafferman	chief of staff, Federal Energy Regulatory Commission	Ballard, Spahr, Andrews & Ingersoll*	LW
Jeffery N. Shane	assistant secretary for policy and international affairs, Department of Transportation	Wilmer, Cutler & Pickering*	LW
Abraham N.M. Shashy	chief counsel, Internal Revenue Service	King & Spalding*	LW
Alfred C. Sikes	chair, Federal Communications Commission	Hearst Corporation	CP
Ednaldo Araquem Silva	senior economist, Internal Revenue Service	Shearman & Sterling*	LW
Elise D. Smith	deputy assistant for health policy, Department of Health & Human Services	Katten Muchin Zavis & Dombroff*	LW
Tony Snow	White House speech writer	Detroit News, editorial columnist	MD

Brent Snowcroft	assistant to the President for National Security Affairs	The Snowcroft Group	CS
Kenneth W. Starr	solicitor general	Kirkland & Ellis*	LW
Wallace E. Stickney	director, Federal Emergency Management Agency	Creative Technical Solutions*	LB
Robert Strauss	ambassador to Russia	Akin Gump Strauss Hauer & Feld*	LW
Linda G. Stuntz	deputy secretary, Department of Energy	Vanness Feldman & Curtis*	LW
Jonathan Symonds	special assistant legislative affairs, State Department	G7 Group	CS
Linda Tarplin	Senate lobbyist, White House	O'Brien * Calio*	LB
C. Bowdoin Train	deputy assistant administrator, solid waste & emergency response, Environmental Protection Agency	Don R. Clay Associates, Inc.	LB
Charles S. Triplett	special assistant, Internal Revenue Service	Shearman & Sterling*	LW
Arthur Troilo III	general counsel, Office of Personnel	Maloney & Burch*	LB <sup>7</sup>
John R. Vogt	assistant for legislative affairs, Department of the Treasury	New York Public Securities Association*	LB
Margaret L. Webber	senior legislative counsel, office of legislative affairs, Department of Justice	American Medical Association*	LB
Harris Weinstein	general counsel, Office of Thrift Supervision	Covington & Burling*	LW
Harry J. Weiss	associate director, Securities & Exchange Commission	Arnold & Porter*	LW
Olin I. Wethington	assistant secretary, Department of the Treasury	Steptoe & Johnson*	LW
F. Clifton White, Jr.	national director, Take Pride in America	Hayward International	PR

Alan Wilensky	deputy assistant secretary, tax policy, Department of the Treasury	Akin Gump Strauss Hauer & Feld*	LW
Gail Wilensky	administrator, Health Care Financing Administration	Project Hope, medical education & training to countries around the world	NP
Wendell L. Wilkie II	general counsel, Department of Commerce	American Enterprise Institute	TH
Edwin D. Williamson	legal advisor, State Department	Sullivan & Cromwell*	LW
Kenneth P. Yale	chief of staff, Office of Science & Technology Policy, White House	The Jefferson Group*	LB

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NP = NONPROFIT  
OT = OTHER  
PL = POLITICS  
PR = PR FIRM  
RT = RETIRED  
TH = THINK TANK, FOUNDATION

2. Dagan is working on legislative and regulatory issues, according to the *American Banker*, February 22, 1993.

3. *National Journal*, March 20, 1993.

4. Confirmed as a lobbying firm in telephone conversation with Michael Birnbaum, Public Citizen, September 1, 1993.

5. In a telephone interview with Julian Nadel, Public Citizen, on July 16, 1993, Marc Schreimann stated that he works on "legislative and regulatory" issues concerning health and food for Ketchum Public Relations. He added that "FDA has tough ethics rules" and that none of his former colleagues would consider giving him information.

6. In a telephone interview with David Schwartz, Public Citizen, on June 23, 1993, Wallace Stickney stated that Creative Technical Solutions helps people with engineering related public policy issues such as permitting and privatization.

7. Trelio told Public Citizen interviewer that he is spending about 60 percent of his time on legislative developments, the rest on corporate counsel. Telephone conversation, Arthur Trelio III with Julian Nadel, Public Citizen, July 19, 1968.

## V. THE HEALTH INDUSTRY

Soon after President Clinton's election in November, it became obvious that the entrenched health care interests -- doctors, hospitals, insurance and drug companies -- would have a tough lobbying fight ahead of them in the debate over national health care reform. Early in the year both the president and the First Lady criticized the pharmaceutical industry for charging exorbitant prices for drugs. Health insurance companies -- blamed by many health care policy analysts for the high paperwork cost of the U.S. health system -- worried about a government takeover. Doctors also were nervous: there was talk about freezing their salary levels. Clearly there was much lobbying to be done to persuade the president and the First Lady to preserve the status quo.

Early on, health trade associations trolled the ranks of Capitol Hill health policy aides -- and even Members -- to work on their lobbying operations. They were largely successful:

\*Six major health care trade associations -- the Health Insurance Association of America (HIAA), the American Hospital Association (AHA), the American Medical Association (AMA), Health Industry Manufacturers Association (HIMA), the American Academy of Family Physicians, and the American Academy of Pediatrics (AAP) -- hired ten new people from the government among them to work on legislative affairs. One Member of Congress, **Rep. Willis Gradison**, actually resigned from Congress after winning reelection in order to take the job as head of the HIAA. The American Hospital Association hired former **Rep. Beryl Anthony**, now with the firm Winston & Strawn. The AHA hired Anthony because of "his knowledge of the Clinton inner circle and his long friendship with Clinton," AHA spokesman Richard Wade told the *National Journal*.<sup>45</sup>

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<sup>45</sup>Julie Kosterlitz, "Hiring Spree," the *National Journal*, September 4, 1993, pp. 2120-2125.

Eight of the new trade association employees had worked on Capitol Hill -- many as health care policy advisors or for committees that have oversight over health care reform. Another had been a staffer at the Department of Justice, where she worked on legislative affairs.

•Former Rep. Willis (Bill) Gradison deserves special notice. Not only did he resign his seat after nine terms in Congress to take over the HIAA, but also he took three of his staffers with him: **Margaret Totten**, **Bonnie L. Brown**, and **Robert V. Oswald**. As former ranking Republican member of the Health Subcommittee on the House Ways and Means Committee, and the head of a Republican task force that produced a report on health care reform, Gradison is a gold mine for the HIAA. He knows both the substance of the health care issue and is well acquainted with the lawmakers who will make the key decisions about reform once a proposal makes its way through Congress. On Gradison's part, he is probably enjoying a huge salary hike as head of the HIAA: as a member of Congress, he earned \$133,600. Gradison's predecessor at the HIAA, Carl Schramm, reportedly earned \$356,338, with an additional \$41,914 in benefits and allowances.<sup>46</sup>

•Aetna Life & Casualty, one of the country's largest insurance companies, broke off from the HIAA in 1992 to follow an alternate health care reform strategy. To help out, the company hired **Vanda B. McMurtry** to be senior vice president of federal government relations. McMurtry had been working as staff director for the Senate Finance Committee, which has jurisdiction over health care reform proposals. "His background obviously will be a big asset," an assistant vice president for Aetna, John Hawkins, told the *Wall Street Journal* at the time.<sup>47</sup>

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<sup>46</sup>Peter Stone, "Still Flying High," *National Journal*, January 23, 1993.

<sup>47</sup>*Wall Street Journal*, November 27, 1992.



•**Robert Leonard**, chief counsel and staff director for the Ways and Means Committee, left Capitol Hill to form a new consulting group with Thomas Ryan, a former aide to the Energy and Commerce Committee chaired by Rep. John Dingell (D-MI) and William C. Oldaker, a partner with Manatt, Phelps & Phillips. The new lobbying firm, Oldaker, Ryan & Leonard, has signed up the Alliance for Managed Competition, whose members include the five largest health insurers: Aetna Life & Casualty Co., CIGNA Corp., MetLife, Pfizer, Prudential Insurance Co. of American and Travelers Corp.<sup>48</sup>

•Three pharmaceutical companies -- Biogen Inc., Bristol Myers Squibb Company, and Johnson & Johnson -- hired former government officials. **David Keaney**, who worked as counsel to the House Energy and Commerce Committee (which has jurisdiction over pharmaceutical issues), joined the Bristol Myers Squibb Company as director of government affairs. Keaney began filing lobbying disclosure forms in March 1993 for lobbying on "legislation affecting company and affecting companies -- drug reform." **Gerard F. Scannel** returned to Johnson & Johnson as vice president for corporate safety. He worked there before becoming the assistant secretary at the Occupational Safety and Health Administration. **Michael J. Astrue** joined Biogen Inc., a biotech firm, as vice president and general counsel. He had served as general counsel for the Department of Health and Human Services.

Under current revolving door restrictions, former Capitol Hill staffers face some limited restrictions on lobbying Congress, but absolutely none about lobbying the administration -- where the health care fight started. (Former committee staff are forbidden to lobby the committee they worked on for one year; former personal staff are prohibited only from lobbying their former boss for one year.) By the time President Clinton's health care proposal makes it to Congress sometime this fall, whatever restrictions on lobbying Congress these former aides face may be moot:

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<sup>48</sup>Vivecka Novak, "From the K Street Corridor," *National Journal*, April 17, 1993, p. 933.

one-year bans would end sometime after November 1993, depending on when they left their old jobs.

Pharmaceutical companies also have been supplementing their own lobbying staffs with lobbying and public affairs firms:

- **Ranny Cooper**, administrative assistant to Sen. Edward Kennedy, Chair of the Senate Labor and Human Resources Committee, joined the Robinson Lake/Sawyer Miller Group, a public affairs firm whose clients include the Pharmaceutical Manufacturers Association and Pfizer, a major drug company.<sup>49</sup>

- Pfizer also has retained a number of other lobbying firms, including Lent & Scrivner, headed by former **Rep. Norman Lent** (R-NY) and his former administrative assistant **Michael Scrivner**; and Winburn & Jenkins, headed by former **Rep. Ed Jenkins** (D-GA) and aide **John P. Winburn**.<sup>50</sup>

- **John Orlando**, former chief of staff for the House Energy and Commerce Committee, works now for Timmons & Company, a lobbying firm whose clients include G.D. Searle Co.<sup>51</sup>

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<sup>49</sup>Julie Kosterlitz, "Hiring Spree."

<sup>50</sup>*ibid.*

<sup>51</sup>*ibid.*

# HEALTH CARE INTERESTS

(alphabetized by new job)

NAME	FORMER POSITION	NEW JOB
Vanda B. McMurtry	staff director, Senate Finance Committee	Aetna Life & Casualty, senior vice president of federal government affairs
Leslie Tucker	health aide, Sen. Alan Simpson (R-WY)	American Academy of Family Physicians
Janis Guerney	health counsel, Senate Finance Committee	American Academy of Pediatrics, directing five-person lobbying office
Steve Ahnen	legislative assistant (issues included health and human services) Rep. Jan Meyers, (R-KS)	American Hospital Association, associate director for congressional and legislative branch relations
Julius W. Hobson	legislative assistant, budget, financial affairs, Sen. Chuck Robb (D-VA)	American Medical Association, assistant director, division of congressional affairs
Margaret L. Webber	office of legislative affairs, Department of Justice	American Medical Association, lobbyist
Michael J. Astrue	general counsel, Department of Health & Human Services	Biogen Inc., vice president and general counsel
David Keaney	counsel for the majority, House Energy & Commerce Committee	Bristol Myers Squibb Company, director of government affairs
Tara Federici	administrative assistant, "point person on health care," Rep. Bill Richardson (D-NM)	Health Industry Manufacturers Association, director of federal affairs
Willis D. (Bill) Gradison	Member of Congress; resigned after winning tenth term. Served on Health subcommittee of House Ways & Means Committee.	Health Insurance Association of America, president
Bonnie I. Brown	legislative assistant, Rep. Bill Gradison (R-OH)	Health Insurance Association of America
Robert V. Oswald	legislative assistant, Rep. Bill Gradison (R-OH)	Health Insurance Association of America
Margaret Totten	administrative assistant, Rep. Bill Gradison (R-OH)	Health Insurance Association of America

Gerard F. Scannell	assistant secretary, Occupational Safety & Health Administration	Johnson & Johnson, vice president for corporate safety
Norman Lent	Congressman, R-NY	Lent & Scrivner; clients include Pfizer
Michael Scrivner	administrative assistant, Rep. Norman Lent (R-NY)	Lent & Scrivner; clients include Pfizer
Ronald Platt	aide, Sen. Lloyd Bentsen (D-TX)	McDermott, Will & Emery; clients include Blue Cross and Blue Shield of Missouri
Robert Leonard	chief counsel, staff director, House Ways and Means Committee	Oldaker, Ryan & Leonard; a client is the Alliance for Managed Competition, whose members include Aetna Life & Casualty Co., CIGNA Corp., MetLife, Pfizer, Prudential Insurance Co. of America and Travelers Corp.
Jack DeVore Jr.	press aide, Sen. Lloyd Bentsen (D-TX)	Public Strategies Inc.; clients include Aetna Life & Casualty
Ranny Cooper	administrative assistant, Sen. Edward Kennedy (D- MA), chairman, Labor and Human Resources Committee	Robinson Lake/Sawyer Miller Group; clients include Pharmaceutical Manufacturers Association & Pfizer
John Orlando	chief of staff, House Energy and Commerce Committee	Timmons & Company; clients include G.D. Searle, Co.
Ed Jenkins	Congressman, D-GA	Winburn & Jenkins; clients include Pfizer
John Winburn	staffer, House Ways and Means Committee	Winburn & Jenkins; clients include Pfizer
Beryl Anthony	Congressman, D-AR	Winston & Strawn; clients include American Hospital Association

**FORMER GOVERNMENT OFFICIALS**  
 alphabetized by new job

NEW JOB	NAME	CODE*
ACTION INTERNATIONAL	RONALD W. ROSKENS	FD
ADS VENTURES	CHESTER G. ATKINS	HR
AETNA LIFE & CASUALTY	VANDA B. MCMURTRY	SS
AGRICULTURE DEPARTMENT	MIKE ESPY	HR
APAC	ARNE L. CHRISTENSON	RS
AKIN GUMP STRAUSS HAUSER & FELD	ROBERT STRAUSS	FD
AKIN GUMP STRAUSS HAUSER & FELD	ALAN WILENSKY	FD
AKIN GUMP STRAUSS HAUSER & FELD	SEAN G. D'ARCY	RS
AKIN GUMP STRAUSS HAUSER & FELD	STEVEN R. ROSS	RS
ALEXANDER, GEBHARDT, APONTE & MARKS	S. RICARDO NARVAIZ	FD
ALEXIS DE TOXQUEVILLE INSTITUTION	CESAR V. CONDA	SS
AMERICAN ACADEMY OF FAMILY PHYSICIANS	LESLIE TUCKER	SS
AMERICAN ACADEMY OF PEDIATRICS	JANIS GUERNEY	SS
AMERICAN ENTERPRISE INSTITUTE	DICK CHENEY	CB
AMERICAN ENTERPRISE INSTITUTE	LYNNE CHENEY	FD
AMERICAN ENTERPRISE INSTITUTE	MICHAEL J. BOSKIN	FD
AMERICAN ENTERPRISE INSTITUTE	WENDELL L. WILKIE II	FD
AMERICAN HOSPITAL ASSOCIATION	STEVE AHNEN	RS
AMERICAN MEDICAL ASSOCIATION	MARGARET L. WEBBER	FD
AMERICAN MEDICAL ASSOCIATION	JULIUS W. HOBSON JR.	SS
AMERICAN TRUCKING ASSOCIATION	CATHY A. EVANS	RS
AMERITECH	TERRY L. BRUCE	HR
APCO ASSOCIATES	JAMES D. WATKINS	CB
APCO ASSOCIATES	POLLY GAULT	FD
APCO ASSOCIATES	THOMAS C. HOCKADAY	FD
APPEARING ON CHICAGO TV AND RADIO	GUS SAVAGE	HR
ARENT FOX KINTNER PLOTKIN & KAHN	PAUL JACKSON RICE	FD
ARNOLD & PORTER	HARRY J. WEISS	FD
ARNOLD & PORTER	KENNETH I. JUSTER	FD
ATLANTA COMMITTEE FOR THE OLYMPIC GAMES	LINDSAY THOMAS	HR
ATTORNEY PRACTICING LAW IN WASHINGTON, DC AND SALT LAKE CITY	WAYNE OWENS	HR
BAKER & HOSTETLER	GUY VANDER JAGT	HR
BAKER BOTTS	JAMES DOTY	FD
BAKER WORTHINGTON CROSSLEY STANSBERRY & WOOLF	LAWRENCE EAGLEBURGER	CB
BAKER WORTHINGTON CROSSLEY STANSBERRY & WOOLF	LAMAR ALEXANDER	CB
BAKER WORTHINGTON CROSSLEY STANSBERRY & WOOLF	LEE C. RAWLS	FD
BALLARD, SPAHR, ANDREWS & INGERSOLL	HOWARD H. SHAFFERMAN	FD
BAYH CONNAUGHTON FENSTERHEIM		

& MALONE	JOHN DUNNE	FD
BAYLESS BOLAND MADIGAN		
& BARRETT, INC.	MICHAEL F. BARRETT	RS
BEER INSTITUTE	RAYMOND J. MCGRATH	HR
BEVERIDGE & DIAMOND	ALAN CHARLES RAUL	FD
BIOGEN INC.	MICHAEL J. ASTRUE	FD
BOARD OF DIRECTORS: AMERICAN		
COMMERCIAL BANK IN VENTURA, CA;		
CA COMMERCIAL SPACE PORT INC.	ROBERT J. LAGOMARSINO	HR
BOARD OF DIRECTORS; MARINE		
MIDLAND BANK	HENRY J. NOWAK	HR
BOARD OF TRUSTEES & BOARD		
OF REGENTS FACULTY AFFAIRS		
COMM., EASTERN MICHIGAN		
UNIVERSITY	CARL PURSELL	HR
BOB DAVIS AND ASSOC.	ROBERT W. DAVIS	HR
BOGLE AND GATES	LES AUCOIN	HR
BRADLEY FOUNDATION FOR THE 90'S	WILLIAM KRISTOL	FD
BRADLEY FOUNDATION FOR THE 90'S	JAY P. LEFKOWITZ	FD
BRISTOL MYERS SQUIBB COMPANY	DAVID KEANEY	RS
BRYAN CAVE	ALAN J. DIXON	SE
BRYAN CAVE	WALTER MCCORMICK JR	FD
BURSON MARSTELLER	GARTH NEUFFER	SS
CALIFORNIA HOUSING FINANCE AGENCY	JOHN SEYMOUR	SE
CAPITAL CONSULTING GROUP	RON MARLENEE	HR
CAPITOLINE INTERNATIONAL GROUP	JOHN J. BRADY	RS
CASSIDY & ASSOCIATES	MARTY RUSSO	HR
CELLULAR TELECOMMUNICATIONS		
INDUSTRY ASSOCIATION	WALLACE J. HENDERSON	SS
CENTER FOR STRATEGY AND		
INTERNATIONAL STUDIES	STEPHEN J. SOLARZ	HR
CITIZENS FOR A SOUND ECONOMY	JAMES GATTUSO	FD
CITIZENS TRADE CAMPAIGN	JIM JONTZ	HR
CLIMACO CLIMACO SEMINATORE		
LEFKOWITZ GAROFOLI	EDWARD F. FEIGHAN	HR
CLINICORP;VERNER LIPFERT		
BERNHARD MCPHERSON & HAND,		
PRESIDENT'S CNCL ON PHYSICAL		
FITNESS & SPORTS	TOM MCMILLEN	HR
COLUMBIA RESOURCE GROUP	ROD CHANDLER	HR
COMMISSION ON DEFENSE		
BASE CLOSING AND REALIGNMENT	BEVERLY B. BYRON	HR
COMMONWEALTH EDISON	SAMUEL K. SKINNER	CB
CONSULTANT TO SEVERAL AGRIBUSINESSES	RICHARD RAY	HR
CONSULTING	MANUAL LUJAN JR.	CB
COOPERS & LYBRAND	RICHARD BREEDEN	FD
COPELAND HATFIELD & LOWERY	BILL LOWERY	HR
CORPORATION FOR PUBLIC BROADCASTING	CAROLYN REID-WALLACE	FD
COULD NOT BE REACHED	ROBERT J. MRAZEK	HR
COVINGTON & BURLING	HARRIS WEINSTEIN	FD
COVINGTON & BURLING	JOHN C. DUGAN	FD



COVINGTON & BURLING	FRANCES HORNER	FD
COX LAW OFFICES	JOHN W. COX JR.	HR
CREATIVE TECHNICAL SOLUTIONS	WALLACE E. STICKNEY	FD
DARBY ASSOCIATES	NICHOLAS F. BRADY	CB
DAVE NAGLE LAW OFFICES	DAVE NAGLE	HR
DAVIDSON COLLING GROUP	MIKE SHEINFELD	RS
DAVIDSON COLLING GROUP	KRISTEN CUSICK	RS
DEFENSE DEPARTMENT	LES ASPIN	HR
DELOITTE & TOUCHE, CORPORATE BOARDS (AMERITECH, DREYFUSS FUNDS), RADIO COMMENTATOR, MARKETPLACE	LYNN MARTIN	CB
DERWINSKI & ASSOCIATES	EDWARD J. DERWINSKI	CB
DETROIT NEWS, EDITORIAL COLUMNIST	TONY SNOW	FD
DISCOVERY NETWORKS, OWNED & OPERATED BY DISCOVERY COMMUNICATIONS INC.	KAREN E. BEIMDIEK	RS
DON R. CLAY ASSOCIATES, INC.	DON R. CLAY	FD
DON R. CLAY ASSOCIATES, INC.	C. BOWDOIN TRAIN	FD
DON R. CLAY ASSOCIATES, INC.	MARIANNE M. LAMONT	FD
DOW LOHNES & ALBERTSON	TIMOTHY J. O'ROURKE	FD
DUBOSE AND FLICK INC.	LAWRENCE G. FLICK	FD
DUTKO & ASSOCIATES	GARY J. ANDRES	FD
DYMALLY INTERNATIONAL GROUP	MERVYN M. DYMALLY	HR
ECKERT SEAMANS CHERIN & MELLOTT	LAWRENCE COUGHLIN	HR
EDELMAN PUBLIC RELATIONS WORLDWIDE	MICHAEL J. CONNOLLY	RS
EIGHTEEN MONTH JAIL TERM	NICHOLAS MAVROULES	HR
EMENS KEGLER BROWN HILL & RITTER	CHALMERS P. WYLIE	HR
ENRON, BAKER & BOTTS, CARLYLE GROUP	JAMES A. BAKER	CB
ENRON, MOSBACHER ENERGY COMPANY	ROBERT A. MOSBACHER	CB
ENVIRONMENTAL & ENERGY STUDY INSTITUTE; WANTS MID-ATLANTIC EPA REGIONAL ADMINISTRATOR	PETER H. KOSTMAYER	HR
EPSTEIN BECKER & GREEN	STUART GERSON	FD
EUROPEAN AMERICAN CHAMBER OF COMMERCE	TODD M. MALAN	FD
EVAN KEMP ASSOCIATES INC.	EVAN KEMP	FD
FEDERAL HOME LOAN BANK OF NEW YORK	ALFRED A. DELLIBOVI	FD
FINE JACOBSON SCHWARTZ NASH & BLOCK	DANTE B. FASCELL	HR
G7 GROUP	TODD G. BUCHHOLZ	FD
G7 GROUP	JOHN W. GRIFFEN	RS
G7 GROUP	TIMOTHY D. ADAMS	FD
G7 GROUP	MICHAEL C. JONES	RS
G7 GROUP	JONATHAN SYMONDS	FD
GARTH NEWEL MUSIC CENTER, FUNDRAISING	JIM OLIN	HR
GAYDOS GAYDOS & ASSOCIATES	JOSEPH M. GAYDOS	HR
GENERAL AMERICAN INVESTORS CO.	BILL GREEN	HR
GIBSON DUNN & CRUTCHER	MEL LEVINE	HR
GLENN M. ANDERSON ENTERPRISES, PERSONAL PROPERTY MANAGEMENT FIRM	GLENN M. ANDERSON	HR
GOLD & LIEBENGOD	THOMAS KEEFE JR.	RS
GOODWYN PROCTER & HOAR	WAYNE A. BUDD	FD
GRIFFIN/JOHNSON & ASSOCIATES	SUSAN O. MANN	FD

GUARINI & GUARINI	FRANK J. GUARINI	HR
HAGER SHARP	JAY A. DISKEY	FD
HALE & DORR	ROBERT MUELLER III	FD
HARRIS SHIELDS BARSWELL & GUNTER	CLAUDE HARRIS	HR
HAYWARD INTERNATIONAL	F. CLIFTON WHITE JR.	FD
HEALTH INDUSTRY MANUFACTURERS ASSOCIATION	TARA FEDERICI	RS
HEALTH INSURANCE ASSOCIATION OF AMERICA	WILLIS D. GRADISON	HR
HEALTH INSURANCE ASSOCIATION OF AMERICA	MARGARET TOTTEN	RS
HEALTH INSURANCE ASSOCIATION OF AMERICA	BONNIE L. BROWN	RS
HEALTH INSURANCE ASSOCIATION OF AMERICA	ROBERT V. OSWALD	RS
HEARST CORPORATION	ALFRED C. SIKES	FD
HELLEM CO.	PEGGY HARLOW KNIGHT	FD
HERITAGE FOUNDATION	JOHN E. ROBSON	FD
HERITAGE FOUNDATION	MIKE FRANC	FD
HERITAGE FOUNDATION	SUSAN ECKERLY	SS
HERITAGE FOUNDATION, EMPOWER AMERICA	JACK F. KEMP	CB
HERTEL & ASSOCIATES	DENNIS M. HERTEL	HR
HIGHWAY USERS FEDERATION	ERON SHOSTECK	RS
HIGHWAY USERS FEDERATION	TAYLOR R. BOWLDEN	SS
HILLS & CO; SHEA & GOULD; BOARDS: AMERICAN INTERNATIONAL GROUP (INSURANCE); AT&T, CHEVRON, TIME WARNER	CARLA HILLS	FD
HOGAN & HARTSON; CORPORATE BOARDS, INCLUDING CATERPILLAR	CLAYTON YEUTTER	CB
HOGAN & HARTSON	JOHN ROBERTS JR.	FD
HOGAN & HARTSON	JEAN "JAN" ARCHIBALD	FD
HOGAN & HARTSON	JIM MCMILLAN	SS
HOGAN & HARTSON	DAVID J. LEITCH	FD
HOLLOWAY'S NURSERY	CLYDE C. HOLLOWAY	HR
HOME STATE BANK AND TRUST	DICK NICHOLS	HR
HOMEMAKER	LIZ J. PATTERSON	HR
HUMAN RIGHTS WATCH, DIRECTOR ARMS PROJECT	STEPHEN D. GOOSE	RS
HUNTSMAN CHEMICAL CORPORATION, VICE PRESIDENT	JAKE GARN	SE
ILLINOIS INTERNATIONAL PORT DISTRICT BOARD; COLUMBUS SCHOLARSHIP	FRANK ANNUNZIO	HR
INDEPENDENT BANKERS ASSOCIATION	CARROLL HUBBARD JR	HR
INFORMATION TECHNOLOGY ASSOCIATION	CAROL CAYO	RS
INTER AMERICAN DEVELOPMENT BANK	DONALD TERRY	RS
ITT	BARBARA TIMMER	RS
J.P. MORGAN SECURITIES INC.	T. TIMOTHY RYAN	FD
JACKSONVILLE UNIVERSITY, UNIVERSITY OF FLORIDA, UNIVERSITY OF NORTH		

FLORIDA, EDWARD WINTERS COLLEGE	CHARLES E. BENNETT	HR
JAMES ZIMMERMAN & PAUL	CRAIG T. JAMES	HR
JILL COLLINS PUBLIC RELATIONS/ HAYWARD INTERNATIONAL	JILL COLLINS	FD
JOHN LOCKE FOUNDATION	JAMES P. PINKERTON	FD
JOHNSON & JOHNSON	GERARD F. SCANNELL	FD
JONES DAY REAVIS & POGUE	CHARLES JAMES	FD
JONES DAY REAVIS & POGUE	TIMOTHY E. FLANIGAN	FD
JONES DAY REAVIS & POGUE	VICKI A. O'MEARA	FD
KASTEN & COMPANY; LEGAL STUDIES INSTITUTE	BOB KASTEN	SE
KATTEN MUCHIN ZAVIS & DOMBROFF	ELISE D. SMITH	FD
KENNEDY SCHOOL, HARVARD; WOODROW WILSON INSTITUTE	MICKEY EDWARDS	HR
KETCHUM PUBLIC RELATIONS	MARC SCHEINESON	FD
KING & SPALDING	ABRAHAM N.M. SHASHY	FD
KIRKLAND & ELLIS	KENNETH W. STARR	FD
KIRKLAND & ELLIS	PAUL CAPUCCIO	FD
KIRKPATRICK & LOCKHART	HERBERT BROWN	RS
LABOR, CIVIL RIGHTS, AND ECONOMIC ISSUES	CHARLES A. HAYES	HR
LATHAM & WATKINS	LINDA FISHER	FD
LEARNING TOOLS INC.	FRANK RIGGS	HR
LEFT THE JEFFERSON GROUP	JERRY HUCKABY	HR
LEFT THE JEFFERSON GROUP	ANDY IRELAND	HR
LENT & SCRIVNER	NORMAN F. LENT	HR
LENT & SCRIVNER	MICHAEL S. SCRIVNER	RS
MAJOR LEAGUE BASEBALL	ERA EUGENE CALLAHAN	SS
MALONEY & BURCH	ARTHUR TROILO III	FD
MAY RUN FOR CONGRESS	BOB MCEWEN	HR
MAY SEEK DIANNE FEINSTEIN'S SEAT IN 1994	WILLIAM DANNEMAYER	HR
MAYER BROWN & PLATT	CAROLYN OSOLINIK	SS
MAYER BROWN & PLATT	JOHN P. SCHMITZ	FD
MAYER BROWN & PLATT	ROBERT E. BLOCH	FD
MCAULIFFE KELLY & RAFAELLI	BILL ALEXANDER	HR
MCCUTCHEN DOYLE BROWN & ENERSON	BARRY J. CUTLER	FD
MCDERMOTT WILL & EMERY	RONALD PLATT	SS
MCGUINNESS & WILLIAMS; LABOR POLICY ASSOC., CONSULTING ARM OF	BRADLEY J. CAMERON	RS
MCGUIRE, WOODS, BATTLE & BOOTHE	CLIFFORD OVIATT JR.	FD
MCNAIR & SANFORD LAW FIRM	TERRY SANFORD	SE
MEDICAL COLLEGE OF WISCONSIN; KENNEDY SCHOOL OF GOVERNMENT	JIM MOODY	HR
MERIT SYSTEMS PROTECTION BOARD	BEN ERDREICH	HR
METRO DADE TRANSIT AGENCY	WILLIAM LEHMAN	HR
MICHIGAN STATE BOARD OF TRUSTEES	BOB TRAXLER	HR
MOREHOUSE COLLEGE SCHOOL OF MEDICINE	LOUIS SULLIVAN	CB
MULDOON, MURPHY & FAUCETTE	CURTIS A. PRINS	RS
NATIONAL ASSOCIATION OF CHEMICAL RECYCLERS	CHRISTOPHER P. GOEBEL	RS

NATIONAL ASSOCIATION OF INDEPENDENT INSURERS	JACK RAMIREZ	RS
NATIONAL ASSOCIATION OF TRUCK STOP OPERATORS	PAUL SAVARY	SS
NATIONAL BROADCASTING COMPANY	JAMES H. ROWE	RS
NATIONAL BUSINESS OWNERS ASSOCIATION INC.	DAVID C. LAUGHTER	FD
NATIONAL BUSINESS OWNERS ASSOCIATION INC.	J. DREW HIATT	FD
NATIONAL COOPERATIVE BUSINESS ASSOCIATION	ALAN P. ZEPP	RS
NATIONAL MULTI HOUSING ASSOCIATION	JAMES N. ARBURY	SS
NATIONAL MULTI HOUSING ASSOCIATION	REGINA (JEANNE) GORMAN	RS
NATIONAL RETAIL FEDERATION	PAMELA RUCKER	SS
NESTLE USA INC.	LOUISE HILSEN	RS
NEW YORK PUBLIC SECURITIES ASSOCIATION	JOHN R. VOGT	FD
NORTHWEST ARKANSAS COUNCIL	JOHN PAUL HAMMERSCHMIDT	HR
O'BRIEN * CALIO	NICHOLAS CALIO	FD
O'BRIEN * CALIO	LINDA TARPLIN	FD
O'BRIEN * CALIO	KIRSTEN ARDLEIGH	FD
OAKAR & ASSOCIATES	MARY ROSE OAKAR	HR
OBERLIN COLLEGE	DON J. PEASE	HR
OFFICE OF MANAGEMENT & BUDGET	LEON PANETTA	HR
OLDAKER, RYAN & LEONARD	ROBERT J. LEONARD	RS
OPPERMAN HEINS & PAQUIN	GERRY SIKORSKI	HR
PAGONIS & DONNELLY GROUP INC.	ARNOLD I. HAVENS	FD
PALUMBO AND CERRELL, INC.	TED MASTROIANNI	RS
PARAMOUNT COMMUNICATIONS INC.	THOMAS C. POLGAR	SS
PAUL WEISS RIFKIND; THE CONCORD COALITION	WARREN B. RUDMAN	SE
PENTAGON DEFENSE CONVERSION	JOAN KELLY HORN	HR
PHILLIPS COLLEGE INC. (TRADE SCHOOL)	GERALD RISO	FD
PLANS UNCERTAIN	JOHN J. RHODES III	HR
PLANS UNCERTAIN	JOSEPH D. EARLY	HR
PLANS UNCERTAIN	DON RITTER	HR
PLANS UNCERTAIN	CLARENCE E. MILLER	HR
POWELL GOLDSTEIN FRASER & MURPHY; SENATE DEPUTY TO FEDERAL ELECTIONS COMMISSION	WYCHE FOWLER	SE
PRESTON GATES ELLIS & ROUVELAS MEEDS	MARK H. RUGE	RS
PROJECT HOPE	GAIL WILENSKY	FD
PUBLIC STRATEGIES INC.	JACK DEVORE JR.	SS
PURSUITING A TEACHING CAREER IN IDAHO	RICHARD STALLINGS	HR
RAND	ARNOLD KANTER	FD
RAND	DAVID CHU	FD
RAND	DAVID GOMPERT	FD
RECENTLY LEFT STAFF	DAVID O'B. MARTIN	HR
MCHUGH, HIS SUCCESSOR	BROCK ADAMS	SE
RETIRED	DOUG BARNARD JR	HR
RETIRED		

RETIRED	WILLIAM S. BROOMFIELD	HR
RETIRED	BERNARD DWYER	HR
RETIRED	GUS YATRON	HR
RETIRED;CONSULTANT TO ED ROYBAL		
INSTITUTE ON APPLIED GERONTOLOGY		
CONSULTANT, CALIFORNIA STATE U.	EDWARD R. ROYBAL	HR
ROBERT A ROE ASSOCIATES	ROBERT A. ROE	HR
RUTGERS UNIVERSITY GRADUATE		
SCHOOL OF MANAGEMENT, PART		
TIME LECTURER		
RYAN • MCGINN INC.	MATTHEW J. RINALDO	HR
RYAN • MCGINN INC.	DENNIS MCGRANN	RS
SALLIE MAE; RECENTLY LEFT	DIANA GOURLAY	SS
CONSULTING JOB FOR THE STUDENT		
LOAN MARKETING ASSOCIATION		
SAVINGS AND COMMUNITY	TOM COLEMAN	HR
BANKERS OF AMERICA		
ROBINSON LAKE/ SAWYER MILLER GROUP	RANDALL MCFARLANE	FD
SCHEUER FAMILY FOUNDATION	RANNY COOPER	SS
SCOTT, DOUGLAS & LUTON	JAMES H. SCHEUER	HR
RUNNING FOR GOVERNOR IN VA	MARTIN ALLDAY	FD
SENATE ENERGY COMMITTEE	GEORGE F. ALLEN	HR
3 MONTHS IN PRISON	T.S. ARY	FD
SEVERAL CORPORATE BOARDS	LAWRENCE J. SMITH	HR
OF DIRECTORS, EYEING		
GUBERNATORIAL RACE IN HAWAII		
SEVERAL FOUNDATIONS/THINK TANKS	PATRICIA SAIKI	FD
SHAW PITTMAN POTTS & TROWBRIDGE	ALAN CRANSTON	SE
SHAW PITTMAN POTTS & TROWBRIDGE	WILLIAM BARR	CB
SHEARMAN & STERLING	PAUL MCNULTY	FD
SHEARMAN & STERLING	CHARLES S. TRIPLETT	FD
SIDLEY & AUSTIN	EDNALDO ARAQUEM SILVA	FD
SKADDEN ARPS SLATE MEAGHER & FLOM	D. CAMERON FINDLAY	FD
SOFT DRINK ASSOCIATION	FRED T. GOLDBERG	FD
SOUGHT AMBASSADOR POST TO IRELAND;	PATRICIA MAGGEE BAUGHAN	SS
PLANS UNCERTAIN		
SPRINT	BRIAN DONNELLY	HR
STAGGERS STAGGERS & WEBB	JAMES E. LEWIN	RS
STANFORD UNIVERSITY	HARLEY O. STAGGERS JR	HR
STATE DEPARTMENT	TOM J. CAMPBELL	HR
STATE FARM INSURANCE COMPANY	TIM WIRTH	SE
STEPTOE & JOHNSON	EDWARD R. MADIGAN	CB
STEPTOE & JOHNSON	SHIRLEY PETERSON	FD
SULLIVAN & CROMWELL	OLIN L. WETHINGTON	FD
SULLIVAN & CROMWELL	PATRICIA DIAZ DENNIS	FD
SUN MICROSYSTEMS INC.	EDWIN D. WILLIAMSON	FD
SWIDLER & BERLIN	THOMAS M. GANN	RS
SYMMS LANE & ASSOCIATES	GARY SLAIMAN	SS
TELEDYNE	STEVE SYMMS	SE
TELOCATOR--THE PERSONAL	DONALD B. RICE	FD
COMMUNICATIONS INDUSTRY ASSOCIATION	THOMAS E. WANLEY	RS



TELOCATOR--THE PERSONAL		
COMMUNICATIONS INDUSTRY ASSOCIATION	SUSAN MATHIS RICHARD	FD
THE BORDEN GROUP	SUSAN B. IRONFIELD	FD
THE BORDEN GROUP	JENNIFER L. BLANCK	FD
THE BUSINESS SOFTWARE ALLIANCE	ROBERT M. KRUGER	FD
THE CARLYLE GROUP	RICHARD G. DARMAN	FD
THE DISCOVERY INSTITUTE	JOHN MILLER	HR
THE DUBERSTEIN GROUP	STEVEN M. CHAMPLIN	RS
THE JEFFERSON GROUP	KENNETH P. YALE	FD
THE SNOWCROFT GROUP	BRENT SNOWCROFT	FD
THE TOBACCO INSTITUTE	ROBIN TALLON	HR
THE WEBER GROUP, EMPOWER AMERICA,		
NATIONAL PUBLIC RADIO COMMENTARY	VIN WEBER	HR
THE WEXLER GROUP	SCOTT SCHELL	SS
THOMAS J. DOWNEY & ASSOCIATES;		
NATIONAL PUBLIC RADIO COMMENTATOR	THOMAS J. DOWNEY	HR
TIMMONS & COMPANY	JOHN ORLANDO	RS
TOBACCO DIVISION DIRECTOR,		
DEPARTMENT OF AGRICULTURE	LARRY J. HOPKINS	HR
TREASURY DEPARTMENT	LLOYD BENTSEN	SE
UNDER INDICTMENT	ALBERT J. BUSTAMENTE	HR
UNDER INVESTIGATION FOR		
MISUSE OF VOUCHERS IN		
HOUSE POST OFFICE	JOE KOLTER	HR
UNITED WAY OF AMERICA	CHARLES KOLB	FD
UNITED WAY, INC.	ELAINE L. CHAO	FD
UNIVERSITY OF MICHIGAN, NATIONAL		
QUALITY RESEARCH CENTER, SCHOOL		
OF BUSINESS ADMINISTRATION		
US WEST INC.	DR. BARBARA E. BRYANT	FD
VALIS ASSOCIATES	NANCY H. MASON	FD
VANNESS FELDMAN & CURTIS	DICK SCHULZE	HR
VENABLE BAETJER HOWARD & CIVILETTI	LINDA G. STUNTZ	FD
WAS UNDER CONSIDERATION FOR	FRANK HORTON	HR
AGRICULTURE POST		
WASHINGTON STATE TRANSPORTATION	CHARLES HATCHER	HR
DEPARTMENT		
WEINBERG BERGESON & NEUMAN	SID MORRISON	HR
WEST MICHIGAN UNIVERSITY	RACHEL HOPP	FD
WILKIE FARR & GALLAGHER	HOWARD WOLPE	HR
WILLIAM DICKINSON AND ASSOCIATES	CARL C. PERKINS	HR
WILLIAMS & CONNOLLY	BILL DICKINSON	HR
WILMER CUTLER & PICKERING	JAMES A. BRUTON	FD
WILMER, CUTLER & PICKERING	C. BOYDEN GRAY	FD
WINBURN & JENKINS	JEFFREY N. SHANE	FD
WINSTON & STRAWN	ED JENKINS	HR
WINSTON & STRAWN	DENNIS E. ECKART	HR
WLWT-TV, CINCINNATI	BERYL ANTHONY	HR
WORKING ON THREE TELEVISION SHOWS	CHARLES LUKEN	HR
WORLD BANK	BEN JONES	HR
WORLD WILDLIFE FUND	MATTHEW F. MCHUGH	HR
	WILLIAM K. REILLY	CB



**\*Key for CODE is:**

**CB = Bush cabinet member**  
**HR = Member of House of Representatives**  
**SE = Member of Senate**  
**RS = House of Representatives Staff**  
**SS = Senate staff**  
**FD = Federal officials**

## RECOMMENDATIONS

The decision to work for the government, whether in the federal agencies, or in the Congress, is not necessarily a lifetime commitment. A person may decide to work for a time in the government and then go back to private endeavors. But when a stint in government service appears to be merely a means to an end, the public loses confidence in public officials. Indeed, the revolving door phenomenon raises a number of troubling questions, some ethical, some systemic:

- **Cashing In.** Blatant abuses of influence are simple to pinpoint. When a federal official who oversees a contract turns around and joins the contractor's staff, and then negotiates for that contractor with the government -- that is an obvious example of cashing in. [See section in body of report on enforcement of revolving door laws.] Commonly, however, conflicts raised by the revolving door are more ambiguous. For example, former high level government officials often join the boards of major corporations. The work they did as officials may have had a direct effect on these corporations. Even if the former official is not billed as a lobbyist for the corporation, an *appearance* of conflict may arise. After all, corporate board members often play an advisory role in lobbying strategy, or take part in occasional lobbying. Similarly, a former government official who joins a law firm may not formally work in the law firm's government relations or lobbying practice, but may advise others who do. The vast majority of law firms listed in this report have lobbying practices. On the other hand, if a former official goes to work for a company that has nothing to do with the official's government work, there may be little or no question of conflict.

- **Unfair Access.** When the major trade associations, lobbying groups, law firms, and corporations hire from the ranks of Congressional staffers and federal officials, they are not just hiring because of substantive experience. They are hiring because of these people's *access* to decisionmakers -- literally their ability to get their phone calls returned. As former Member of Congress Carroll Hubbard told Public Citizen in an interview, "In law it's not what you know, it's who you

know."<sup>52</sup> Ordinary citizens usually cannot afford to hire people to give them this sort of access. All too often, the result is skewed public policy.

For example, this report shows how major health care trade associations and companies have culled Capitol Hill for health policy aides to fill out their lobbying operations. With major health care reform around the corner, they must believe that such hires were necessary to make sure that their point of view was well represented. But what about the 37 million Americans who lack health insurance? They have not been able to hire former Senate Finance Committee and House Ways and Means Committee staffers to plead their case before Congress.

**Corrosion of Government Service Ethic.** When public service is viewed as nothing more than a stepping stone to more lucrative endeavors, it is no wonder that people start to lose confidence in government. During the 1992 elections, candidates Ross Perot and Bill Clinton clearly struck a strong chord with voters when they criticized the revolving door between government and the special interests. Books like Pat Choate's *Agents of Influence*, which describes how former government officials have gone to work for foreign interests, have raised public consciousness about the revolving door.

Slamming the revolving door shut between the government and special interests may be a difficult task, particularly because some reforms butt up against the rights of association and speech of the first amendment. However, if the public is to regain trust in policy makers, a number of reforms should be adopted. The evidence compiled in this report shows that current revolving door laws are clearly insufficient. There are a number of actions Congress should take:

**1. Strengthen existing revolving door law.** President Clinton has already taken a first step by issuing an executive order lengthening the "cooling off" period for high level federal officials from one to five years.<sup>53</sup> Congress should follow suit

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<sup>52</sup>Telephone interview with Carroll Hubbard by Julian Nadel, Public Citizen, July 13, 1993.

<sup>53</sup>Executive Order, Ethics Commitments by Executive Branch Appointees, January 20, 1993.

and lengthen the prohibition from lobbying for ex-Members of Congress and high level Congressional staff from one to five years.<sup>54</sup> Congress should also enact a restriction, of at least one year, on ex-Members and high level Congressional staff from lobbying the executive branch in areas of prior responsibility in Congress -- i.e., an agency for which the Member had oversight authority as a committee member. Congress should prohibit high level Congressional staffers from lobbying their former employer, office, or committee for five years, as well as *any* Member of Congress or congressional staff for two years.

**2. Strengthen reporting laws to improve data collection.** Because of the poor state of current lobbying disclosure laws, it is difficult to track the activities of ex-government officials. Not only is information scattered at a number of offices, but the definition of "lobbying" covered by the various laws is too narrow. For example, the existing Federal Regulation of Lobbying Act requires no disclosure of executive branch lobbying. There are a number of ways to improve disclosure:

- Enact the Lobbying Disclosure Act (LDA), already passed by the Senate, which would close some of the loopholes in current lobbying disclosure laws, including the 1946 Federal Regulation of Lobbying Act. For example, the LDA broadens the definition of lobbying to include executive branch contacts; it also clarifies lobbying of the legislative branch by including staff contacts and preparation of lobbying materials and strategy. The LDA would also make information more easily accessible by the public by centralizing record collection in a new Justice Department office. The House of Representatives has yet to act on the bill.
- Enact the Revolving Door Sunshine Act of 1993, recently introduced by Rep. John Conyers (D-MI), which would require high level officials prohibited from lobbying under the revolving door law to file semiannual

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<sup>54</sup>Sen. David Boren (D-OK) has introduced a bill, the Ethics in Government Reform Act of 1993, S.420, which would lengthen post-employment restrictions for former Members of Congress and high level Congressional staff from one to five years. The legislation also codifies elements of President Clinton's executive order on post-employment restrictions.

reports detailing their contacts with the government. This scheme, if implemented, might prove an effective deterrent to illegal lobbying in Congress or government agencies and would also provide useful information about former officials' contacts with the government.

•It is impossible to determine whether revolving door laws are working well when there is no central source that collects information on enforcement. While it has no specific mandate to do so, the federal Office of Government Ethics (OGE) conducts regular surveys of U.S. attorneys and the Public Integrity Unit at the Justice Department to gather such information. Offices do not always return the forms, however, so the information is often incomplete. Congress should mandate that OGE prepare an annual report, available to the public, that details prosecution of post-employment restriction laws around the nation. Justice Department attorneys should be required to report this information to the OGE.

**3. Improve enforcement of revolving door laws.** What data there are on revolving door enforcement shows a poor record; in fact, there have been no successful prosecutions reported in recent years. This may be due, in part, to lack of reporting of violations to authorities. One way to improve enforcement would be to enact a reward provision for whistleblowers who report violations of the law. Current law provides that the Justice Department can bring civil suits for up to \$50,000 in penalties. Congress should enact a provision which would raise the maximum penalty to \$500,000 and give whistleblowers a significant portion of the penalty imposed.

### Methodology and Notes on Charts

Public Citizen staff tracked over 300 former government officials by conducting telephone interviews, studying government records, and following mentions in trade publications, newspapers, magazines, and other media. In particular, *Congress Daily*, *Legal Times*, the *National Journal*, and the *Washington Post* proved rich sources for information. *Congress Daily* and the *Washington Post* both published information about the whereabouts of former Members of Congress.

In the case of the Bush cabinet and the WP Congress, Public Citizen attempted to discover the current occupations of all officials who were serving in as of November 1992. In other words, Public Citizen tracked 17 members of the Bush cabinet and all of the Members of Congress serving as of November 1992. However, in the case of Congressional staffers and Bush administration officials, Public Citizen did not track all the officials who left their jobs after November 1992 elections. Compiling a list of all such officials, which must number in the thousands, was beyond the reach of this report, although certainly worthy of future efforts. (Perhaps an organization such as the General Accounting Office might opt to take on such an effort.) Instead, Public Citizen compiled its list of former Congressional staffers and Bush administration officials from trade press job announcements. While not complete, these sources nevertheless revealed useful information about a portion of former Congressional staffers and Bush administration officials.

Public Citizen staff confirmed information about former officials' new place of work, unless otherwise indicated on charts, in response to telephone calls to the organization, or, in some cases, lobbying disclosure forms filed with the government by the former officials.

Staff developed codes to describe new places of work for former government officials. For example, "AC" means academia, "AD" means an advocacy group, and



so on. It should be noted that while the decision was made to use different codes for lobbying firms ("LB") and law firms ("WP"), it is not always simple to make the distinction. Many law firms have government relations or lobbying practices. It is difficult, however, to determine whether an individual is working in the lobbying practice, the litigation practice, or both. Law firm employees are reluctant to give information about clients, and unless an employee has filed a lobbying disclosure form with the government, there is almost no way to know what sort of work the employee is doing. For the purposes of this report, staff erred on the conservative side, and coded the majority of people working for law firms as "LW" unless some other information was available that confirmed they were definitely doing lobbying.

Similarly, the line between "consulting" or "public relations" firms and lobbying firms is often blurry. For example, a consulting firm will often represent a client's interests before a regulatory agency. A public relations firm will often conduct campaigns around a legislative effort. Again, for the purposes of this report, when information about a consulting or public relations firm's lobbying clients could not be obtained, firms were coded as either "CS" for a consulting firm or "PR" for a public relations firm.

In addition, the charts note if a firm is either listed as a lobbying firm in records filed with the government under the Federal Regulation of Lobbying Act or in *The Directory of Washington Lobbyists and Interest Groups: Summer 1993*, which uses a broader definition of "lobbyist" than the FRLA. An asterisk "\*" on charts denotes a law firm that has a lobbying practice.

Codes for charts follow:

AC = ACADEMIA: a person teaching or researching for a university, college, or other educational institution.

AD = ADVOCACY: a person working for an issue oriented organization, excepting trade associations. One example is Citizens for a Sound Economy, a group that advocates for conservative policies.

CP = CORPORATION: a person working for a corporation. Members of boards of

directors of corporations included.

**CS = CONSULTING:** a person working for a consulting firm, excepting those that were confirmed as lobbying groups, which were coded "LB."

**GV = GOVERNMENT:** a government post, such as Secretary of the Treasury.

**LB = LOBBYING, TRADE ASSOCIATION:** a person with a job involving lobbying working for a lobbying firm, a law firm, or a trade association. Lobbying is defined broadly to include lobbying of the executive branch in addition to Congress.

**LW = LAW FIRM:** a person working for a law firm.

**MD = MEDIA:** a person working for a television, newspaper, or other media organization.

**NP = NONPROFIT:** a person working for a nonprofit group that does not fall into other categories (i.e., "AD" or "TH.").

**OT = OTHER:** miscellaneous.

**PR = PUBLIC RELATIONS:** a person working for a public relations firm. Some public relations firm employees are coded as "LB" -- that means it is confirmed they do lobbying.

**PL = POLITICS:** a person running for an elected post; i.e., for governor of Virginia.

**RT = RETIRED:** a person who has retired.

**TH = THINK TANK/FOUNDATION:** a person who works for an organization that publishes policy papers, books, and other materials, usually from a particular viewpoint; i.e., the conservative group the Heritage Foundation.

Ms. EDWARDS. During the 10 months of this tracking the whereabouts of these individuals we traversed the maze of government records, trade publications, and other media and employer announcements.

Our experience demonstrates the gaping hole that must be filled for enforcement to work. It is extraordinarily difficult to track the lobbying activities of former government officials, just as it is extremely difficult to track all lobbying in the Nation's capital. The existing lobbying disclosure laws simply are not adequate to this task, both because they are too vague, too lax, and are poorly enforced. That said, what we did discover was indeed amazing and quite troubling.

At least 101 former government officials took lobbying jobs. Another 79 went to work for law firms, the vast majority of which have lobbying practices.

The Bush Cabinet; 12 out of 17 members of President Bush's Cabinet found new work with lobbying, law, or corporate organizations. Two joined think tanks, one entered academia, one is doing consulting work, one is working for a nonprofit group.

Members of Congress. Out of the 108 Members of the House of Representatives who were defeated in races for the 103d Congress or retired after serving in the 102d Congress, 21 are doing lobbying work, 15 joined law firms, and 12 are working with corporate interests. Out of the 12 Senators who retired or were defeated, 1 is doing some lobbying, another 4 work for law firms, 1 is retired, 2 work for think tanks, 3 took government posts, and 1, Jake Garn, works for a chemical company, Huntsman Chemical Corp.

Congressional staffers. At least 48 congressional staffers left Capitol Hill to lobby for such groups as the Soft Drink Association, the American Trucking Association, Nestle, ITT Corp., and the National Broadcasting Co. Some joined lobbying firms such as Ryan McGinn and Timmons & Co.

Executive branch officials. At least 30 executive branch officials took lobbying jobs, 49 went to law firms, and 11 went to work for corporate interests.

[The prepared statement of Ms. Edwards follows:]



Buyers Up • Congress Watch • Critical Mass • Health Research Group • Litigation Group

Ralph Nader, Founder

Statement of Donna F. Edwards  
Staff Attorney, Public Citizen

before the

Committee on Government Operations  
Subcommittee on Legislation and National Security

on H.R. 1593

Revolving Door Sunshine Act of 1993

September 30, 1993

Mr. Chairman and members of the Subcommittee, thank you for inviting me to testify today. My name is Donna Edwards, and I am an attorney with Public Citizen in its legislative division, Congress Watch. Founded by Ralph Nader in 1971, Public Citizen is a national consumer research and advocacy organization with more than 150,000 members nationwide.

Public Citizen has long advocated for openness in government and an end to special interest influence in formulating legislation and policy. As demonstrated in poll after poll, ordinary people are feeling increasingly distant from their government and their elected officials. In part, this mood has been fueled by a sense that those who lobby on a host of issues do so for the benefit of monied interests — a practice that tips unfairly the balance in the legislative process towards those interests and away from the public interest.

We believe strongly that Congress should enact comprehensive legislation to curb the influence of special interest lobbyists by tightening the definition of those who are required to register as lobbyists, restricting lobbyists' participation in the campaign finance process, and limiting the ability of former executive branch officials, legislators and senior staff to exploit their government service through lobbying.

Mr. Chairman, we commend you for your leadership on this important issue. In particular, the Revolving Door Sunshine Act of 1993 goes to the core of current law and any proposed reforms. First, are post-employment activities sufficiently disclosed so that the public knows the activities of former officials and staff? And, second, is the information that is needed for enforcement available to enforcing authorities and

compiled in such a way as to assess adequately the effectiveness of the laws?

In a report completed recently by Congress Watch, *Government Service for Sale: How the Revolving Door has been Spinning* (Watzman, Nancy, September 1993), we traced the post-employment activities of 319 former Members of Congress, congressional staff, and executive branch officials. I would like to introduce this report for the record of today's hearing. During our ten months of tracking the whereabouts of these individuals we traversed the maze of government records, trade publications and other media, and employer announcements.

Our experience demonstrates the gaping hole that must be filled for enforcement to work. It is extraordinarily difficult to track the lobbying activities of former government officials, just as it is extremely difficult to track all lobbying in the nation's capital. The existing lobbying disclosure laws simply are not adequate to this task, both because they are too vague, too lax, and are poorly enforced. That said, what we did discover was indeed amazing and quite troubling:

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- THE BUSH CABINET. Twelve out of 17 members of President Bush's cabinet found new work with lobbying, law, or corporate organizations. Two joined think tanks; one entered academia; one is doing consulting work; one is working for a nonprofit group.

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- CONGRESSIONAL STAFFERS. At least 48 Congressional staffers left Capitol Hill to lobby for such groups as the Soft Drink Association, the American Trucking Association, Nestle, ITT Corporation, and the National Broadcasting Company. Some joined lobbying firms such as Ryan•McGinn and Timmons & Company.



• **EXECUTIVE BRANCH OFFICIALS.** At least 30 executive branch officials took lobbying jobs; 49 went to law firms, and 11 went to work for corporate interests.

At a time when one of the most critical and volatile issues facing the President and Congress is reform of our health care system, we discovered that health care trade associations and companies were perhaps the hardest working recruiters of former members, staff, and executive branch officials.

• The Health Insurance Industry Association (HIAA) actually convinced a sitting Member of Congress, Rep. Willis (Bill) Gradison (R-OH) to give up his seat *after* he won reelection to become president of the group. Gradison, who was the ranking Republican on the Health Subcommittee of the House Ways and Means Committee – the committee that will have primary jurisdiction over health care reform – brought at least three staffers with him to work at HIAA.

• Six major health care trade associations – the Health Insurance Association of America (HIAA), the American Hospital Association (AHA), the American Medical Association (AMA), Health Industry Manufacturers Association (HIMA), the American Academy of Family Physicians, and the American Academy of Pediatrics (AAP) – hired ten new people from the government among them to work on legislative affairs. The American Hospital Association hired former Rep. Beryl Anthony, now with the firm Winston & Strawn. The AHA hired Anthony because of "his knowledge of the Clinton inner circle and his long friendship with Clinton," AHA spokesman Richard Wade told the *National Journal*.<sup>1</sup>

• Aetna Life & Casualty, one of the country's largest insurance companies, also hired a powerful Capitol Hill aide, Vanda McMurtry, who had been staff director of the Senate Finance Committee, one of the Senate committees that will have primary jurisdiction over health care reform.

• Robert Leonard, chief counsel and staff director for the Ways and Means Committee, left Capitol Hill to form a new consulting group with Thomas Ryan, a former aide on the Energy & Commerce Committee chaired by Rep. John Dingell (D-MI) and William C. Oldaker, a partner with Manatt, Phelps & Phillips. The new firm, Oldaker, Ryan & Leonard, has signed up the Alliance for Managed Competition, whose members include the nation's five largest health insurers: Aetna Life & Casualty Co., CIGNA Corp., MetLife, Pfizer, Prudential Insurance Co. of America and Travelers Corp.<sup>2</sup>

• Three pharmaceutical companies – Biogen Inc., Bristol Myers Squibb Company, and Johnson & Johnson – hired former government officials. David Keaney, who worked as counsel to the House Energy and Commerce Committee (which has jurisdiction over pharmaceutical and health care issues), joined the Bristol Myers Squibb Company as director of government affairs. Gerard F. Scannel returned to Johnson & Johnson as vice president for corporate safety after working as an assistant secretary at the Occupational Safety and Health Administration. Michael J. Astrue joined Biogen Inc., a biotech firm, as vice president and general counsel. He had served as general counsel for the Department of Health and Human Services

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<sup>1</sup>Julie Kosterlitz, "Hiring Spree," the *National Journal*, September 4, 1993, pp. 2120-2125.

<sup>2</sup>Vivecka Novak, "From the K Street Corridor," *National Journal*, April 17, 1993, p. 933.

**\*\*Pharmaceutical companies also have been supplementing their own lobbying staffs with lobbying and public affairs firms:**

- **Ranny Cooper**, administrative assistant to Sen. Edward Kennedy, Chair of the Senate Labor and Human Resources Committee, joined the Robinson Lake/ Sawyer Miller Group, a public affairs firm whose clients include the Pharmaceutical Manufacturers Association and Pfizer, a major drug company.<sup>3</sup>

- **Pfizer** also has retained a number of other lobbying firms, including Lent & Scrivner, headed by former Rep. Norman Lent (R-NY) and his former administrative assistant Michael Scrivner; and Winburn & Jenkins, headed by former Rep. Ed Jenkins (D-GA) and aide John P. Winburn.<sup>4</sup>

- **John Orlando**, former chief of staff for the House Energy and Commerce Committee, works now for Timmons & Company, a lobbying firm whose clients include G.D. Searle Co.<sup>5</sup>

It is clear that the revolving door has spun out of control. Legislation has been introduced to expand prohibitions on post-employment activities beyond the current time limitations and to extend restrictions to cross agency and committee assignments. However, even if such restrictions are strengthened, enforcement of these laws may continue to be difficult and sporadic if important data are unavailable or inaccessible.

H.R. 1593 provides a useful enforcement and tracking mechanism by requiring top government officials to file semi-annual reports with the Office of Management and Budget detailing contacts with the government for five years after they leave government service. If enacted, this bill would place the burden upon the former government official to disclose her written or oral communications on behalf of any entity for five years following termination of her service or employment. As we discovered in compiling our report, such disclosure of communications is absolutely necessary for adequate enforcement of the law.

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<sup>3</sup>Julie Kosterlitz, "Hiring Spree," the *National Journal*, September 4, 1993, pp. 2120-2125.

<sup>4</sup>*ibid.*

<sup>5</sup>*ibid.*

Under current law and practice, covered officials make self-determinations about whether they are lobbying, with little, if any, independent oversight or assessment. For example, the following cases from our report illustrate how easy it is for former government officials to sidestep current revolving door laws:

- Former Rep. Robin Tallon (D-SC), who took a job with the Tobacco Institute, attended at least one meeting with a Member of Congress, during which a slide show was presented by Tobacco Institute colleagues on why no-smoking policies for federal buildings make less sense than improving overall ventilation. Congress is currently considering a smoking ban in public buildings and parks. Tallon stated that he had not been lobbying because the federal legislation was not discussed. Yet a reporter present at the Capitol Hill meeting noted that Tallon referred to congressional hearings on the legislation, saying that he thought the slide show should be shown if the hearings continue.<sup>6</sup> Former Members of Congress are prohibited from lobbying Congress one year after leaving office.

- Former Rep. Raymond McGrath (R-NY) went to work for the Beer Institute. When asked what he was doing at a lobbyist-funded "issues conference" for Republican Members of Congress in February, he stated that he was at the conference to gather information but not to dispense it, and therefore was not lobbying.<sup>7</sup> McGrath served on the House Ways and Means Committee while in Congress. The Beer Institute opposes alcohol taxes — which must be approved by the Ways and Means Committee.

- Era Eugene Callahan, chief of staff to former Sen. Alan Dixon (D-IL), took a job with Major League Baseball, the trade association representing professional baseball — which happens to be concerned about pending anti-trust reform legislation affecting major league baseball. (Baseball is now exempt from anti-trust laws.) In recent months, Callahan has treated Rep. David Mann (D-OH), Rep. Bill Richardson (D-NM), and Sen. Paul Simon (D-IL), to Orioles games in Baltimore. Mann and Simon sit on committees that have oversight on anti-trust issues.

We found out about these instances through press accounts and other *ad hoc* sources. These examples raise questions as to how many other contacts are being made by former government officials that no one ever uncovers. Under the Revolving Door Sunshine Act of 1993, former government officials would be required to file a report disclosing these types of communications. Moreover, such information would be more

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<sup>6</sup>Bridgid Schulte, "Ethics Law May Have Tripped up Tallon," *The State*, April 18, 1993, page A1.

<sup>7</sup>Kenneth Merida and Kenneth J. Cooper, "Lobbyists Help Pay for Retreat of House GOP Policy Group," *Washington Post*, February 26, 1993, p. A14.

readily available to enforcement authorities who could make an independent determination about violations of the revolving door laws.

To tackle the hurdle of consolidated reporting, we recommend that semi-annual reports be filed in the Office of Lobby Registration, if the new lobbying disclosure bill passes, or with the Office of Government Ethics, which is already charged with similar responsibilities under the Ethics Reform Act of 1989. Whichever agency is designated for filing and enforcement, we would urge you also to mandate that the agency compile and analyze data annually for purposes of determining the effectiveness of the law. Concurrent reports should also be filed by covered legislative branch officials with the Clerk of the House and the Secretary of the Senate. We recommend strongly the imposition of civil penalties for violations in order to strengthen enforcement.

Lastly, in addition to adequate disclosure of communications, under any laws designed to monitor post-employment activities of former government officials, the Congress must halt the lucrative practice of former government officials trading on their public service like a cash crop. We recommend that in addition to passing the Revolving Door Sunshine Act of 1993 Congress should use the opportunity availed during Reform Week in October to do the following:

1. **Lengthen the prohibition from lobbying for former executive branch officials, ex-Members of Congress, and high level Congressional staff to five years.**<sup>8</sup> Congress should also enact a restriction, of at least one year, on ex-Members and high level Congressional staff from lobbying the executive branch in areas of prior responsibility

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<sup>8</sup>Sen. David Boren (D-OK) has introduced a bill, the Ethics in Government Reform Act of 1993, S.420, which would lengthen post-employment restrictions for former Members of Congress and high level Congressional staff from one to five years. The legislation also codifies elements of President Clinton's executive order on post-employment restrictions. Rep. Jim Bacchus (D-FL) and Rep. Dick Zimmer (R-NJ) have introduced similar legislation in the House, H.R. 1395, Ethics in Government Reform Act of 1993.

in Congress -- *i.e.*, an agency for which the Member had oversight authority as a committee member. Congress should prohibit high level Congressional staffers from lobbying their former employer, office, or committee for five years, as well as *any* Member of Congress or congressional staff for two years.

2. **Improve lobbying disclosure laws.** Not only is information scattered at a number of offices, but the definition of "lobbying" covered by the various laws is too narrow. For example, the existing Federal Regulation of Lobbying Act requires no disclosure of executive branch lobbying. Congress should enact the Lobbying Disclosure Act (LDA) (H.R. 823/S. 885), already passed by the Senate, which would close some of the loopholes in current lobbying disclosure laws, including the 1946 Federal Regulation of Lobbying Act. For example, the LDA broadens the definition of lobbying to include executive branch contacts; it also clarifies lobbying of the legislative branch by including staff contacts and preparation of lobbying materials and strategy. The LDA would also make information more easily accessible by the public by centralizing record collection in a new Justice Department office. The House of Representatives has yet to act on the bill.

3. **Improve enforcement of revolving door laws by rewarding whistleblowers.** What data there are on revolving door enforcement shows a poor record; in fact, there have been no successful prosecutions reported in recent years. This may be due, in part, to lack of reporting of violations to authorities. One way to improve enforcement would be to enact a reward provision for whistleblowers who report violations of the law. Current law provides that the Justice Department can bring civil suits for up to \$50,000 in penalties. Congress should enact a provision which would raise the maximum penalty to \$500,000 and give whistleblowers a significant portion of the penalty imposed.

Apart from the obvious ethical concerns raised by the phenomenon of the revolving door, systemic questions also abound. Many a lobbyist has concluded, in the words of former Kentucky representative Carroll Hubbard, "In law it's not what you know, it's who you know."<sup>9</sup> Unfortunately, ordinary citizens usually cannot afford to hire people to give them this sort of access. All too often, when access is available to a monied few the result is skewed public policy -- one in which constituents' voices go unheard and unheeded.

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<sup>9</sup>Telephone interview with Carroll Hubbard by Julian Nadel, Public Citizen, July 13, 1993.



The decision to work for the government, whether in the executive or legislative branch, is not, nor should it be, a lifetime commitment. A person may legitimately decide to work for a time in the public sector and then go on to private endeavors. But when a stint in government service is merely a means to an end, when executive branch officials serve on average 18 months of a purported 4-year appointment, and when lobbying by former officials provides the edge in the legislative process, the public loses confidence in public officials and in public institutions.

Mr. Chairman, we commend you for the important role that you are playing in reshaping what it means to be in government service. The Congress is obliged to respond to voters' antipathy toward government by passing strong lobby reform, campaign finance reform, and revolving door reform. We believe that passing the Revolving Door Sunshine Act of 1993 (H.R. 1593), along with a strengthened Lobby Disclosure Act (H.R. 823/S. 885), already passed by the Senate, and the Ethics in Government Reform Act of 1993 (H.R. 1395/S. 420), which would place a five-year ban on lobbying by former officials, will go a long way toward restoring the public's confidence in government.



Mr. CONYERS. Attorney Edwards, how do you feel about the fact that we don't make donuts up here? Our product is political, legislative and legal related, and law related. So one might counter with the observation that that would be the natural thing for them to do. I mean, if they went into nuclear physics, I think you would be shocked. If they went into some arcane activity that was new to them—this is what some of these gentlemen and ladies have done for a couple of decades, and so it is very natural for them to stay here.

As a matter of fact, as I recall, most Members of Congress retire in the metropolitan Washington area, probably largely because of their professional or work activity after their government service. So what do you think?

Ms. EDWARDS. I think it is appropriate for former officials and Members of Congress indeed to make a living after they leave Congress.

Mr. CONYERS. It beats welfare.

Ms. EDWARDS. The question before us, Mr. Chairman, is whether there should be some cooling off period between the time of government service and what one does in the private sector. We certainly would not advocate that people go on the public dole yet again after they leave government service. But there must be a cooling off period, especially with respect to them lobbying former colleagues, committees on which they served.

And what we believe, for example, is the 5-year period as supported by Mr. Bacchus and Mr. Zimmer that that allows a window during which there are changes in staff, changes in committee assignments and indeed in the Congress to allow one to then come back and lobby without any sense that there might be some undue influence in that process.

Mr. CONYERS. So you think my bill is too soft?

Ms. EDWARDS. No, I don't. In fact, I believe that even with strengthened revolving door restrictions that we need the kind of disclosure of written and oral communications that allow enforcement authorities to determine whether or not there have been contacts sufficient to justify any sense that there has been a violation of the lobbying disclosure laws and indeed of revolving door restrictions.

We think that even strengthened revolving door laws still need this kind of disclosure as in the Revolving Door Sunshine Act.

Mr. CONYERS. So the two bills complement one another?

Ms. EDWARDS. I think that they do, indeed. It has been clear that the revolving door has really spun out of control and that we need a series of different kinds of bills, really, to strengthen how we define lobbyists through the Lobby Disclosure Act which has passed the Senate and is now waiting action on the House side, improved revolving door restrictions and then a disclosure bill such as the Revolving Door Sunshine Act that allows outside organizations, the press, and the public to look at oral and written communications to make an independent determination about whether there have been lobbying contacts sufficient to justify any enforcement.

Mr. CONYERS. Let me ask you about my impression that the revolving door syndrome gained new heights over at the Pentagon where you could change out of your uniform and just go back the

next week on the other side of the table probably looking at one of your subordinates before you left the service. Is that a misimpression that I have that the Pentagon is like the supreme revolving door entity in the government?

Ms. EDWARDS. I am not certain. I think the question you raise is the question of what is the information that is available to us. Certainly in Public Citizen, having looked at this throughout the executive branch and the Congress, it is, quite frankly, very difficult to even make a determination about the effectiveness of those kind of laws and whether or not they are being violated. That is where we believe that H.R. 1593 goes to the core of those kind of laws because it is tough to make that determination.

Mr. CONYERS. Should we ban the President from picking up a few million dollars? Does that fit into this scheme of things?

Ms. EDWARDS. I think this does.

Mr. CONYERS. Should the President be exempt?

Ms. EDWARDS. The question is how much one should be able to cash in on government service. Service to the government is a dual responsibility. In addition to being a career move forward, it is also a question of responsibility to the public sector, responsibility to the government.

When one takes on those responsibilities, you know, there may be restrictions placed on what one can do afterwards. We think that that is appropriate. We are not asking for lifetime disclosure of what one does after government service, but a 5-year disclosure period certainly is enough for us to determine that there is no influence being imposed from service to government and in the private sector.

Mr. CONYERS. Would Ronald Reagan have been prevented from picking up a cool couple of million dollars under any of the laws we are considering?

Ms. EDWARDS. I am not certain.

Mr. CONYERS. I want to nail him. I am not going to do this to all of us in the Congress and let Presidents walk out into the sunshine.

Ms. EDWARDS. Indeed, they should not be able to. There was not a great distance between the time that occurred and the President's leaving office. I do think those kinds of activities, even on the part of the President, really do raise questions about cashing in on government service.

Mr. CONYERS. I am putting in the Reagan amendment to my bill then to specifically name Presidents. Bill Clinton will be a former President some day, if he lives long enough, and all these wonderful ideas that he has served up, we want them applied to him as well.

Ms. EDWARDS. I think it would be appropriate for us to look at what former Presidents as well should be able to do with respect to their former government service. They are public employees, too.

Mr. CONYERS. That is a good idea.

Do you have anything else to add?

Ms. EDWARDS. Let me say, finally, that we think that H.R. 1593 provides an enforcement and tracking mechanism for former government officials. The semiannual reporting is appropriate.

We would suggest that that would be either under a new Lobby Disclosure Act, under an Office of Lobby Registers or that reporting through Office of Government Ethics, which is a repository for that kind of information, and whatever the agency that it be charged with also—providing the information in a public way—compiling the data and analyzing the data so that it is available and useful to the public.

Mr. CONYERS. Good idea.

Charles Lewis, are you another Nader outfit, too? That is the Center for Public Integrity. That sounds like a Nader organization.

**STATEMENT OF CHARLES LEWIS, CHAIRMAN AND EXECUTIVE  
DIRECTOR, THE CENTER FOR PUBLIC INTEGRITY**

Mr. LEWIS. It does, but it is not. Basically I was in journalism for 11 or 12 years and started this group 3 or 4 years ago. We don't lobby or advocate on specific bills. We do research. Basically we are investigative reporters trying to do a little political science and create some kind of new product.

[The prepared statement of Mr. Lewis follows:]

PREPARED TESTIMONY OF CHARLES LEWIS  
CHAIRMAN AND EXECUTIVE DIRECTOR  
THE CENTER FOR PUBLIC INTEGRITY  
before the  
U.S. HOUSE OF REPRESENTATIVES  
SUBCOMMITTEE ON LEGISLATION AND NATIONAL SECURITY  
September 30, 1993

Mr. Chairman, members of the committee, I am pleased to accept your invitation to testify today on the Revolving Door Sunshine Act of 1993, which would require former high-level U.S. officials to file semiannual reports describing their contacts with the government. First, some brief background.

Unlike some of the other witnesses this morning, I do not work for the government, nor am I a lobbyist. I run a nonprofit research organization with an Advisory Board of distinguished Americans called the Center for Public Integrity, which was founded to better understand what has been happening to public service. The unique Center approach combines investigative reporting and political science. Since December, 1990, the Center has published 13 investigative studies about public service and ethics-related issues. The Center is funded by foundations, corporations, labor unions, individuals, and revenue from news organizations.

The Center does not endorse or oppose specific legislation or Presidential nominations. However, we have done considerable research about lobbying and the post-employment practices of government officials. And because of our work, we are very familiar with today's existing public information disclosure requirements.

I guess there might be one or two people here in Washington who -- unlike the rest of America -- are and will forever be skeptical that there is a real problem these days in Washington when it comes to lobbying abuses or the "revolving door" between the public and private sectors. Since 1990, we've been investigating these issues as closely as anyone, and I'm here to tell you that there is a justifiable crisis of confidence in public officials generally, particularly as they prepare to leave the government. The Committee's work this morning, considering the merits of H.R. 1593, must be placed in its proper context, of what has been going on here in Washington these past few years, and of the various specific findings we have made at the Center about these issues.

The fact is, public service is not what it once was. As the National Commission on the Public Service, popularly known as the Volcker Commission, concluded, "there is evidence on all sides of an erosion of performance and morale across government in America. Too many of our most talented public servants -- those with the skills and dedication that are the hallmarks of an effective career service -- are ready to leave. Too few of our brightest young people -- those with the imagination and energy that are essential



for the future -- are willing to join."

At the same time, lobbyists in Washington have become in Washington what investment bankers became in the Eighties in New York. There are huge sums of money to be made, and few real controls.

There was a time not too long ago when government and public service were held in high esteem and respect, when this country's best people were drawn to Washington to work for the public good. In recent years, however, particularly in the Eighties, there seems to have been a perversion of public service. Money has become the dominant influence in our political system, particularly in how officials are elected, in the day-to-day mechanics of public policy in Washington, and in the post-employment practices of public officials.

Several disturbing scandals have wracked this town the past few years, scandals which all seem to involve large numbers of people, large sums of money, and former officials attempting to cash in on their influence and access. The HUD scandal, the S & L debacle, the Defense procurement "Ill Wind" fraud; Iran-Contra; the entire Michael Deaver controversy; AND the phenomenon of former top trade officials going to work for foreign governments and foreign companies, all of which have a similar, systemic theme.

As Independent Counsel Whitney North Seymour put it in the Deaver matter: too much "loose" money and too little concern in Washington about ethics in government.

Not surprisingly, for many Americans, trust in public officials and in Washington is at a low ebb. As the New York Times put it, "Americans are being insulted by a political culture that places private gain ahead of public trust."

Just how commercialized has our society and public service become? Can you imagine former Secretary of State Dean Acheson doing airline commercials, or former President Dwight Eisenhower receiving \$2 million from Fujisankei Communications for two 20-minute speeches in Tokyo?

Recently, former President George Bush took in a reported \$100,000 for a speech to Amway distributors. Is there a better metaphor to what has happened in this town to public service? Has crass opportunism gotten any more audacious than this past March, during Bush's recent trip to the Middle East. As Seymour Hersh reported in the New Yorker ["The Spoils of the Gulf War," September 6, 1993], former White House chief of staff John Sununu, former Secretary of State James Baker, retired Army Lieutenant General Thomas Kelly and the former President's two sons, Neil and Marvin, stayed behind in Kuwait after Bush returned stateside. Their purpose: to land large Kuwaiti government contracts for their

clients or business interests. One former U.S. official who declined to capitalize on the extraordinarily lucrative, post-Gulf War "opportunities" in Kuwait is General H. Norman Schwartzkopf, who told Hersh, "I felt I represented 541,000 American men and women who went over there and not some private company."

As James Madison observed, "if men were angels, no government would be necessary." Since we are not angels, government is indeed necessary to keep self-interest and the pursuit of wealth within reasonable bounds. Through the President's January Executive Order and proposed legislation on post-employment restrictions, there is an attempt today to reassert those reasonable bounds. And your bill and some other proposed legislation attempt to provide the American people with information about what is really going on in this town.

Piecing together today's existing government records, we have been trying to better understand the forces at play in the daily decision-making process here in Washington.

In December, 1990, we released our premiere study, "America's Frontline Trade Officials." For roughly a year, seven researchers had compiled government records and press accounts tracking the careers of 74 current and former senior officials from the Office of the U.S. Trade Representative, the White House agency which coordinates U.S. trade policy. Interviews were conducted with nearly 50 former USTR officials who served there since 1962.

Among other findings in the 90,000-word study, the Center reported that 47 percent of all former senior USTR officials since 1974 have registered, or their firms have registered, with the Justice Department as foreign agents representing foreign companies and foreign governments. Many of these former officials have gone back and interacted with some of the same people and same governments and same issues as during their USTR employment. Four presidential candidates in 1992 -- Clinton, Brown, Buchanan and Perot -- relied on our findings in speeches. As Robert Kuttner wrote in The American Prospect, "What is new about the Center's report is the documentation of a pattern that pervades the entire agency . . . this revolving door is virtually the normal career pattern."

In February, 1992, a week after the New Hampshire primary, the Center issued "Under the Influence: Presidential Candidates And Their Campaign Advisers." This was the first systematic look at unpaid policy advisers to the presidential candidates. We found that, for example, the deputy manager of the Bush-Quayle re-election campaign, James Lake, was also a registered "foreign agent" on behalf of the owners of the Bank of Credit and Commerce International (BCCI). During that time, BCCI was under seven federal grand jury investigations.

In December, 1992, we issued "The Torturers' Lobby: How Human



Rights-Abusing Nations Are Represented In Washington," by Pamela Brogan. We found that over a dozen former U.S. officials have signed up to help some of the most repressive regimes in the world obtain U.S. aid.

In April, 1993, we released "Toxic Temptation: The Revolving Door, Bureaucratic Inertia and the Disappointment of the EPA Superfund Program," by Eric Greenberg. We found that of the senior EPA officials who have worked with toxic waste clean-ups and left government since 1980, 80 percent of them have gone to firms holding Superfund clean-up contracts or have consulted with or given legal advice to companies about dealing with Superfund.

This past May, we published "The Trading Game: Inside Lobbying and the North American Free Trade Agreement." We found that 33 former U.S. officials have gone to work for Mexico, as part of that country's extraordinary lobbying campaign. Incidentally, three Members of Congress and 87 Congressional staffers were taken on all-expenses-paid trips to Mexico, sponsored by Mexican business interests.

In the months ahead, we are releasing a major investigative study about the post-employment activities of S & L regulators. In the case of the top Savings and Loan officials on whose watch the worst financial disaster in U.S. history occurred, roughly two-thirds of these men and women supposedly safeguarding the public trust came from or returned to the thrift industry.

Through all of this research, all of these studies, we have noticed several disturbing realities today about lobbying disclosure requirements, and how they are administered and enforced.

Existing lobbying disclosure laws are weak and ineffective, because of vague, unclear language, and toothless investigative and enforcement provisions. I believe there is genuine confusion as to exactly WHO is required to register and WHAT they are required to disclose. Of course, the reason the public is in the dark is not so benign -- too often former U.S. officials have no interest or intention whatsoever in disclosing their post-employment activities. We once spoke with a well-known former White House Chief of Staff, and although there were no public records available, we asked him to identify his clients and his activities on their behalf. He refused. Frequently, arrogance and contempt for the public's right to know are a part of this picture. In that context, I can think of no better antidote to such unhealthy symptoms than "sunshine."

As the General Accounting Office has been saying for more than 20 years, the Foreign Agent Registration Act is porous and a substantial number of foreign lobbyists in Washington simply do not disclose their activities. I could tell you many stories of former

U.S. officials who have gone to work for the Japanese or other overseas interests, who were unregistered as "foreign agents" until we interviewed them about their activities. Suddenly, miraculously, a disclosure form would turn up days later at the Justice Department.

Why is a small, nonprofit research group in the role of the hammer? Because there is a serious void inside the government itself. There is no one in any official capacity really looking over the shoulder of lobbyists. The Justice Department Foreign Agent Registration Unit, and the House and Senate records offices, are information collection centers, staffed by well-intentioned clerks. Like the Salvation Army, they are happy to receive whatever comes their way. They can't take on multibillion dollar corporations and their legions of high-priced lawyers looking for the many loopholes in existing statutes. And they don't.

With the House and Senate lobbying records, the definition of what constitutes lobbying is so narrow that the only benefit of those documents is that they occasionally identify for the public just who is trying to influence Congress. But there is no thorough rendering of precisely who was contacted, or how much money the vested interest is spending overall.

In other words, the existing records are an inadequate mechanism for both disclosure and accountability, a patchwork mosaic of incomplete information.

As a result, I have always had the sense that the American people have only a very limited sense of the full extent of lobbying activities in this town. That is especially true in the context of domestic lobbying. When Mitsubishi contacts the Commerce Department, it is required to report to the Justice Department. When General Motors contacts Commerce, there is no such disclosure requirement. That is wrong. During our recent NAFTA study, we had great difficulty identifying the extent of lobbying efforts being waged by the U.S. corporations fighting for NAFTA, and the labor unions and various public interest groups opposing NAFTA.

Did you know that recently, the President and several other top Administration officials met with the chairman and other officers of a major U.S. corporation in the Oval Office. The meeting was to "educate" the President about new, emerging technologies, which the government will or will not regulate. There is no public record of this meeting -- all part of behind-the-scenes Washington that America seldom sees.

We are currently taking a micro-look at the overwhelming lobbying activities surrounding health care reform. There are roughly a thousand vested interests, replete with their hired-gun lobbyists, attempting to influence this critically-important public issue. However, other than a few occasional disclosure forms up

here in the respective records offices, there is no public information about their multi-million dollar lobbying activities. That is ridiculous, and a great disservice to the American people.

The principal theme of much of our work at the Center comes down to this: national decision-making in this country has become grotesquely distorted by what I have been calling Washington's mercenary culture. A marketplace mentality now surrounds public service, and every day we are confronted with former U.S. officials cashing in on their government service, capitalizing on the instant access, influence, experience and inside information of their former positions covering a multitude of areas, including trade, housing, banking, health, pollution control, even intelligence.

Given our experience in ferreting out information from existing public records, and our deep concern about the state of ethics today in Washington, your proposed legislation is a positive step toward illuminating the political process for all to see.

I have a few technical suggestions about the actual bill itself. I think use of the word "agency" to denote all non-Congressional entities is insufficient. In fact, when I first read this, I thought you might be referring to Congressional entities. I understand that you want to require disclosure of all communications to the Executive and Legislative Branch, and I think the language could be clearer.

A new statute about disclosure will be utterly meaningless without tough, tenacious investigative and enforcement power by the government entity responsible for administering this new law. Remember, the Byrd Amendment is largely ignored today in Washington. Last year, only one defense contractor reported any lobbying activities in Washington last year, under that law.

The bill makes no real mention of enforcement. I know you are relying on existing federal statutes making it a felony to knowingly lie to the government, with the assumption that the Justice Department can also seek civil redress for disclosure noncompliance. But none of this is explained in the actual legislation. And when is the last time any of us have seen someone prosecuted by the Justice Department for failing to disclose their lobbying activities? I think the language should be so explicit and so tightly-written, that no lobbyist will ever be able to worm out of disclosing. And no Justice Department official can justify or rationalize a decision not to prosecute.

This proposed legislation requires former U.S. officials to report their lobbying activities to the Office of Management and Budget (OMB). And there are other ideas of making the Justice Department, the Office of Government Ethics or the Federal Election Commission the administering entities for this public information. Frankly, these are all seriously-flawed vessels -- it's difficult

to get excited about taking a voyage on the Titanic.

Probably no federal agency has done more in recent years to prevent the flow of valuable information to the American people, than the OMB. In the Eighties, OMB terminated, delayed and changed hundreds of regulations intended to supply the government, and its citizens, with information. I'm not sure OMB is the place to embolden the nation's lobbying disclosure requirements.

The Justice Department as an institution has not regarded the FARA law as a priority. Indeed, let's be blunt here -- the Foreign Agent Registration unit is an understaffed, underfunded bureaucratic backwater. We have never seen a demonstrated intention to aggressively uphold the existing, albeit inadequate, federal disclosure statutes by the Justice Department powers-that-be.

The Office of Government Ethics and the Federal Election Commission competently administer their responsibilities. It should be noted that OGE doesn't think there is much of a problem today with post-employment lobbying abuses, and that agency has opposed new, improved "revolving door" legislation. This is not, to me, an auspicious sign.

The FEC, through its use of computers, has embraced the late Twentieth Century more effectively and more efficiently than the other heretofore-mentioned entities. And enforcement over there actually does occasionally occur, although it is usually several years later. But these post-employment lobbying activities are not directly related to federal elections, and I'm not sure I agree with the jurisdictional logic of empowering the FEC with this new responsibility.

I understand the reticence to establish a new bureaucracy, a reluctance I also share. At the same time, however, our existing government agencies have not exactly distinguished themselves in their performance, and in some cases, their commitment, to public disclosure.

In general, though, I would like to congratulate the Chairman and this Committee for your interest and this particular effort toward improving accountability here in Washington. And I hope that whatever emerges from your work embodies the collective, national yearning for real, historic change.

Thank you.



Mr. CONYERS. Do you ever review the media itself?

Mr. LEWIS. We are starting to consider the various ideas about it.

Mr. CONYERS. Give us a break. They need it badly.

Mr. LEWIS. They do.

Mr. CONYERS. In Detroit, we have a joint operating agreement, two different newspapers all under the same company.

Mr. LEWIS. There are several groups that look at the media. Unfortunately, it is all split into ideology. Everyone has their own axes to grind.

There is a need for oversight of the media. We have done some media research in the Persian Gulf. We were critical of news organizations and how they were spoon-fed information and basically turned each other in when they were not in the pools and things like that. We have done things occasionally that have been critical of the media but we have never done a formal study.

Mr. CONYERS. I would like to urge you in that area, and you probably need public funding to get into that, because the private sector and the media is not going to give you a dime.

Mr. LEWIS. Certainly not the media.

Mr. CONYERS. What would you add to Attorney Edwards' comments this morning?

Mr. LEWIS. Well, one thing I would offer you, which is in the full statement, but we have done a lot of—we have spent a lot of time in the last 3 years looking at the revolving door issue, probably as much as anybody. And Congressman Bacchus' remarks about half the trade officials leaving the White House and going back to work for foreign companies and governments was probably from our study. We also investigated Superfund officials and how the senior officials dealing with toxic waste cleanups, 80 percent of them have left and gone to work for companies getting cleanup contracts with EPA.

We have an S&L study coming out which looks at people during whose watch it was to look at S&Ls, and 70 percent of those regulators came from and returned to the thrift industry.

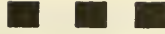
We have done a study on the torture lobbyists working for human rights violator countries, and there were quite a few countries getting aid.

We did a study called "The Trading Game" about the lobbying around NAFTA and we showed 33 former U.S. officials work for Mexico now.

Mr. CONYERS. Do you have that list?

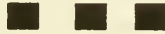
Mr. LEWIS. I don't have it with me, but I can provide it to the committee.

[The information follows:]



# THE TRADING GAME

**Inside Lobbying for the  
North American Free Trade Agreement**



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THE CENTER FOR PUBLIC INTEGRITY

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APPENDIX C:  
FORMER U.S. GOVERNMENT OFFICIALS  
WORKING FOR NAFTA'S PASSAGE, 1989-PRESENT\*

Registrant	Current Firm	Former Government Position (Years Served)
Toney Anaya	Independent Lobbyist	<ul style="list-style-type: none"> <li>• Gov. of New Mexico, 1983-86</li> <li>• Att'y Gen. of New Mexico, 1975-79</li> <li>• Chief of Staff to New Mex. Gov. Bruce King, 1971-72</li> <li>• Chief Legis. Counsel for Sen. Joseph Montoya</li> <li>• Exec. Asst. to the Asst. Sec. of State</li> </ul>
Timothy B. Bennett	SJS Advanced Strategies, Inc.	<ul style="list-style-type: none"> <li>• Dep. Asst. U.S. Trade Rep. for Mexico, 1985-88</li> <li>• U.S. Trade Att. to the E.E.C., USTR, 1981-85</li> <li>• Exec. Dir., U.S. Gen. Sys. of Pref., USTR, 1980-81</li> </ul>
John W. Bode	Olsson, Frank, and Weeda	<ul style="list-style-type: none"> <li>• Asst. Sec. for Food and Consumer Serv., U.S. Dept. of Agr., 1985-89</li> </ul>
William E. Brock	The Brock Group	<ul style="list-style-type: none"> <li>• U.S. Sec. of Labor, 191-85</li> <li>• U.S. Trade Rep., 1985-87</li> <li>• Chair., Repub. Nat. Comm., 1977-80</li> <li>• U.S. Sen., (R-TN), 1970-76</li> <li>• Member, U.S. House of Reps., (R-TN), 1962-70.</li> </ul>
Doral S. Cooper	Crowell & Moring Int'l, Ltd.	<ul style="list-style-type: none"> <li>• Asst. U.S. Trade Rep., Off. of Bilateral Affairs, 1981-85</li> <li>• Dep. Asst. USTR for Japan and Devel. Countries, 1978-81</li> <li>• Economist and Exec. Dir. of the Gen. Sys. of Pref. Program, USTR, 1977-78</li> <li>• Economist for Int'l Fin. and Trade Matters, Council of Econ. Advisers, 1975-77</li> <li>• Economist, Board of Govs. of the Fed. Res. Sys., 1972-75</li> </ul>
Peter D. Ehrenhaft	Bryan Cave	<ul style="list-style-type: none"> <li>• Dep. Asst. Sec. and Spec. Counsel (Tariff Affairs), Dept. of the Treas., 1977-79</li> </ul>
James C. Free	Walker/Free Associates, Inc.	<ul style="list-style-type: none"> <li>• Cong. Liaison to the White House (Carter admin.)</li> </ul>
James W. Frierson	The Brock Group	<ul style="list-style-type: none"> <li>• Coord., U.S. govt's pol. on the functioning of the GATT sys. in the Uruguay Round, 1987-89</li> <li>• Chief of Staff, Off. of the U.S. Trade Rep., 1985-89</li> <li>• Spec. Asst. to Amb. William Brock, USTR, 1981-85</li> </ul>
Lee O. Fuller	Walker/Free Associates, Inc.	<ul style="list-style-type: none"> <li>• Maj. Staff Dir. under Sen. Lloyd Bentsen, (D-TX), Sen. Comm. on Environ. &amp; Pub. Works, 1985-87</li> <li>• Min. Staff Dir., Sen. Comm. on Environ. and Pub. Works, 1978-1985</li> </ul>

APPENDIX C, CONTINUED  
FORMER U.S. GOVERNMENT OFFICIALS WORKING FOR NAFTA

Registrant	Current Firm	Former Government Position (Years Served)
Peter W. Glavas	Gold and Liebengood, Inc.	<ul style="list-style-type: none"> <li>• Spec. Asst. to Sen. David Boren, (R-OK), 1987-88</li> <li>• Tax Counsel, Sen. Boren, 1984-88</li> <li>• Chief of Staff, Sen. Boren, 1984-86</li> <li>• Campaign Mgr. and Field Rep., Oklahomans for Boren, 1980-84</li> </ul>
Martin B. Gold	Gold and Liebengood, Inc.	<ul style="list-style-type: none"> <li>• Legal Counsel for Sen. Howard Baker, (R-TN), 1991-82</li> <li>• Counsel for Floor Opers. to Baker, 1979-80</li> <li>• Min. Staff Dir. and Counsel on the Sen. Comm. on Rules &amp; Admin., 1977-79</li> <li>• Sen. Select Intell. Comm., 1976</li> <li>• Staff Asst. to Sen. Mark Hatfield, (R-OR), 1973-76</li> </ul>
Gabriel Guerra-Mondragon	Guerra & Associates, Inc. Keefe and Co.	<ul style="list-style-type: none"> <li>• Advis. on Nat. Sec. issues, Clinton transition team, 1992-93</li> <li>• Spec. Asst. to the U.S. Amb. to Mexico, 1980-83</li> </ul>
Robert Herzstein	Shearman & Sterling	<ul style="list-style-type: none"> <li>• Under Sec. for Int'l Trade, U.S. Dept. of Comm. (Carter admin.)</li> </ul>
Edward Hidalgo	Independent Lobbyist	<ul style="list-style-type: none"> <li>• Sec. of the Navy, 1979-81</li> <li>• Asst. Sec. of Navy, 1977-79</li> <li>• General Counsel and Cong. Liaison, U.S. Information Agency, 1973-76</li> <li>• Spec. Asst. to Dir. of the U.S. Info. Agency, 1972</li> <li>• Spec. Asst. to the Sec. of the Navy, 1965-66, 1945-46</li> </ul>
William F. Hildenbrand	Gold and Liebengood, Inc.	<ul style="list-style-type: none"> <li>• Sec. of the Sen., 1980-84</li> <li>• Sec. for the Min., U.S. Sen., 1974-80</li> <li>• Admin. Asst. to Sen. Repub. Leader, 1969-73</li> <li>• Legis. Asst. to Sen. Boggs, (R-DE), 1961-68</li> <li>• Asst. Cong. Liaison, Dept. of Health, Education &amp; Welfare, 1959-60</li> <li>• Aide to Rep. H.G. Haskell, (R-DE), 1957-58</li> </ul>
Patricia J. Jarvis	Gold and Liebengood, Inc.	<ul style="list-style-type: none"> <li>• Spec. Asst., Off. of Legis., U.S. Dept. of Health and Human Serv.</li> </ul>
Ruth Kurtz	Independent Lobbyist	<ul style="list-style-type: none"> <li>• Aide to William Roth, (R-DE), mid-1980s (left in 1989)</li> <li>• Trade Adv., Int'l Trade Comm., 1980-83</li> <li>• Int'l Economist and U.S. Trade Neg., Dept. of Comm., 1970-1980</li> </ul>

APPENDIX C, CONTINUED  
FORMER U.S. GOVERNMENT OFFICIALS WORKING FOR NAFTA

Registrant	Current Firm	Former Government Position (Years Served)
Stephen L. Lande	Manchester Trade	<ul style="list-style-type: none"> <li>• Asst. USTR for Bilat. Affairs (left in 1982)</li> <li>• Off. of the Spec. Trade Rep., including Dep. Asst. USTR, 1973-82</li> <li>• U.S. State Dept., Chief of Econ. and Info. Serv., U.S. Emb., Luxembourg, 1970-73</li> <li>• U.S. State Dept., Consular Off., Athens, Greece, 1966-68</li> </ul>
Howard S. Liebengood	Gold and Liebengood, Inc.	<ul style="list-style-type: none"> <li>• Sergeant at Arms, U.S. Sen., 1981-84</li> <li>• Legis. Counsel to Sen. Min. Leader, 1977-81</li> <li>• Min. Staff Dir., Sen. Select Comm. on Intell. 1976-77</li> <li>• Consult. to Sen. Howard Baker, (R-TN), 1975-76</li> <li>• Asst. Min. Counsel, Watergate, 1973-74</li> </ul>
George J. Mannina**	O'Connor & Hannan	<ul style="list-style-type: none"> <li>• Chief Min. Counsel, House Merchant Marine and Fisheries Comm., 1983-85</li> <li>• Min. Counsel, House Subcomm. on Fisheries, Wildlife, Conserv. and the Environ., 1975-83</li> <li>• Legis. Asst. to Rep. Edwin B. Forsythe, (R-NJ), 1972-75</li> <li>• Admin. Aide to Rep. Gilbert Gude, (R-MD), 1971-72</li> </ul>
Mary Lou McCormick	(formerly of) Gold and Liebengood, Inc.	<ul style="list-style-type: none"> <li>• Press Asst., Dep. Press Sec. and Press Sec. to Sen. Bob Packwood, (R-OR), 1981-87</li> </ul>
Joseph P. O'Neill	Public Strategies	<ul style="list-style-type: none"> <li>• Admin. Asst. to Sen. Lloyd Bentsen, (D-TX), 1980-84</li> <li>• Exec. Asst. to Sen. Bentsen's Texas Off., 1972-79</li> </ul>
Phil Potter	Walker/Free Associates, Inc.	<ul style="list-style-type: none"> <li>• Aide to Repub. Sen.</li> <li>• Senior positions, U.S. Dept. of Treas. (Nixon admin.)</li> </ul>
William R. Ratchford	Gold and Liebengood, Inc.	<ul style="list-style-type: none"> <li>• Member, U.S. House of Reps., (D-CT), 1979-85</li> </ul>
Otto J. Reich	The Brock Group	<ul style="list-style-type: none"> <li>• U.S. Amb. to Venezuela, 1986-89</li> <li>• Spec. Advisor to the Sec. of State, Interagency Off. of Pub. Diplo. for Latin Amer. &amp; the Carib., 1983-86</li> <li>• Asst. Admin., U.S. Agency for Int'l Devel., Progs. on Latin Amer. and the Carib., 1981-83</li> <li>• Staff Asst., U.S. House of Reps. 1970-71</li> </ul>
Mark J. Robertson	Gold and Liebengood, Inc.	<ul style="list-style-type: none"> <li>• Legis. Dir. for Rep. Stan Perris, (R-VA), 1980s</li> <li>• Min. Staff Dir., House Comm. on the Dist. of Columbia, 1980s</li> </ul>
John F. Scruggs	Gold and Liebengood, Inc.	<ul style="list-style-type: none"> <li>• Asst. Sec. for Legislation, U.S. Dept. of Health and Human Serv., 1983-84</li> <li>• Spec. Asst. to the Pres. for Legis. Affairs, 1981-82</li> <li>• Floor Asst. to House Repub. Whip Trent Lott, (R-MS), 1980-81.</li> <li>• Staff Mem. of the House Rules Comm., late 1970s.</li> </ul>

**APPENDIX C, CONTINUED**  
**FORMER U.S. GOVERNMENT OFFICIALS WORKING FOR NAFTA**

Registrant	Current Firm	Former Government Position (Years Served)
Peter B. Slooe	Gold and Liebengood, Inc.	<ul style="list-style-type: none"> <li>• U.S. House Approps. Comm. Assoc. Staff, and Cong. Liaison to the House Educ. and Labor Comm. and Select Comm. on Aging, office of Rep. William Ratchford, (D-CT), 1978-83</li> <li>• Nat. Camp. Mgr., Mondale for President, 1984</li> </ul>
James E. Smith	Walker/Free Associates, Inc.	<ul style="list-style-type: none"> <li>• U.S. Compt. of the Curr., 1973-76</li> <li>• Dep. Under Sec., Treas. Dept., and Dir., Off. of Cong. Rel., Treas. Dept., 1969-73</li> <li>• Min. Counsel to the U.S. Sen. Subcomm. on Intergov't'l Rel.</li> <li>• Legis. Asst., Sen. Karl Mundt of South Dakota</li> </ul>
Michael B. Smith	SJS Advanced Strategies Inc.	<ul style="list-style-type: none"> <li>• Dep. U.S. Trade Rep., 1980-88</li> <li>• U.S. Amb. to GATT, Geneva, 1979-83</li> <li>• Chief, U.S. Tex. Neg., 1975-1979</li> <li>• Dep. Chief, then Chief, Fibers and Tex. Div., U.S. State Dept., 1973-74</li> <li>• Chief of Pres. Corres. for the White House, 1970-73</li> <li>• For. Serv., various positions including For. Serv. Off., 1958-70</li> </ul>
Daniel K. Tarullo	Shearman & Sterling	<ul style="list-style-type: none"> <li>• Nominated to be Asst. Sec. for Econ. and Bus. Aff., U.S. State Dept., 3/19/93; not conf. as of pub. time</li> <li>• Chief Employ. Counsel of the U.S. Sen. Comm. on Lab. and Hum. Res., 1987-89</li> <li>• Exec. Asst. to the Under Sec., U.S. Dept. of Comm. (Int'l Counsel), 1980-81</li> </ul>
Abelardo Valdez	Independent Lobbyist	<ul style="list-style-type: none"> <li>• Amb., Chief of Prot., U.S. Dept. of State, 1979-81</li> <li>• Asst. Admin. for Latin Amer. &amp; the Carib., U.S. Agency for Int'l Devel., 1977-79</li> </ul>
Charles E. Walker	Walker/Free Assoc., Inc.	<ul style="list-style-type: none"> <li>• Dep. Sec. of the Treas., 1972-73</li> <li>• Under Sec. of the Treas., 1969-72</li> <li>• Asst. to the Sec. of the Treas., 1959-61</li> </ul>

\*Chart reflects those who have lobbied for clients with NAFTA, "trade," or trade-related services in their Justice Dept. short form registrations.

Mr. CONYERS. We need to know. We are going on a congressional delegation to Mexico next week so we have to have that list of 33 people in front of us so if we run into some of our friends from Washington we will understand.

Mr. LEWIS. I will make the study—this study is fairly extensive. It took 8 months and has lots of information, not only the 33, but it talks about—well, 87 congressional staffers who were taken on all expense paid trips. It talks about how much everyone is spending on all sides of NAFTA.

Mr. CONYERS. How much has been spent so far on NAFTA, a couple hundred million dollars?

Mr. LEWIS. Well, this goes directly to the issue this morning because no one knows exactly how much. The records are so inadequate based on—

Mr. CONYERS. I know all that but how much do you think? More than \$200 million?

Mr. LEWIS. I don't mean to be coy. I don't know how much, and I am a fairly anal-compulsive researcher who bases it on records, and I am always frustrated because there are no records. But we said in our news conference in May when we released the studies that there were \$30 million spent by Mexico to that point. Many other places, the Wall Street Journal and Journal of Commerce and others said Mexico alone had spent in the range of \$45 million to \$100 million alone, just Mexico.

But, again, look at the range of that estimate. That shows you the problem, which goes to the bill this morning. These laws are just a joke, basically.

And I agree with the GAO, to put it very politely, that FARA and House and Senate lobbying records and some of these places where you have records are repositories. I compare them to the Salvation Army. Basically, they are happy to get whatever comes their way. They continue gathering records.

And let's remember about prosecutions, prosecutions only occur when there is information available to the public. Prosecutors don't go out with a magnifying glass around Washington looking for things. They read the papers and check the records. The records are just amazing.

GAO three times in 20 years has criticized the FARA law, saying roughly half the foreign lobbyists don't report. And from my experience I can tell you I think that is correct.

We have had many experiences where we interviewed trade officials. We always interview people we write about because we want to get their side, and we will ask them why they have not registered and they will say, well, what I did, really, was not lobbying. I have not met a lobbyist yet who wants to use the "L" word, and this person said, I didn't lobby. And after we left the interview, 3 weeks later his form turned up at the Foreign Agent Registration Office.

So no one has ever asked these people, no one has asked them to report to the government what they do. There is no one looking over their shoulders; there is no oversight.

The one thing in particular I like about the bill we are discussing this morning is that unlike other reform bills this year, the definition of what has to be reported is so broad and sweeping that there



is no way anyone can worm out of it. If they have any contact, period, it goes into some kind of disclosure statement.

Even some of the somewhat laudable other bills are not that broad and that sweeping. The laws we have are weak, they are not enforced, they don't have very good staffs about investigating; but the other thing is the language, and the language is critical because, as we all know, there are a few attorneys in town whose job it is to worry about the language when somebody gets in trouble.

And I think you can add two explanations why the Justice Department doesn't prosecute lobbying abuse, and one of the reasons why there has not been a successful prosecution about revolving door abuse in the last decade, is the Justice Department has no interest in it, which is certainly a reasonable argument, from my perspective. It certainly has plausibility. But some of the reason is genuine; that the statutes are so weak you could drive a truck through some of them.

So I commend the committee for attempting to deal with this whole situation.

The one last thing I would just add. I think that enforcement is a critical issue here. Having the investigative prowess to look into this stuff and also having the ability to go after people who don't report is fundamental to any attempt at disclosure.

One perfect example. Look at the Byrd amendment. Last year only one defense contractor filed statements with the Byrd amendment admitting they had contacted the Pentagon. To me——

Mr. CONYERS. And you said nobody else did?

Mr. LEWIS. No one else did. So——

Mr. CONYERS. Well, that is an appropriate note to close on.

Mr. Lewis, Attorney Edwards, thank you both and please keep working with our staff committee on this.

Mr. LEWIS. Thank you.

Ms. EDWARDS. Thank you.

Mr. CONYERS. The subcommittee stands adjourned.

[Whereupon, at 11:05 a.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

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